

SENATE FILE 361  
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 141)

(AS AMENDED AND PASSED BY THE SENATE MARCH 23, 1993)

\_\_\_\_\_ - New Language by the Senate

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to substances regulated under the Iowa uniform  
2 controlled substances Act.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 361

1 Section 1. Section 22.7, Code 1993, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 29. Identifying information concerning a  
4 patient for whom marijuana is prescribed under the marijuana  
5 therapeutic research program in section 124.511.

6 Sec. 2. Section 124.101, subsection 18, Code 1993, is  
7 amended by striking the subsection and inserting in lieu  
8 thereof the following:

9 18. "Narcotic drug" means any of the following, whether  
10 produced directly or indirectly by extraction from substances  
11 of vegetable origin, or independently by means of chemical  
12 synthesis, or by a combination of extraction and chemical  
13 synthesis:

14 a. Opium, opiates, derivatives of opium and opiates,  
15 including their isomers, esters, ethers, salts, and salts of  
16 isomers, esters, and ethers whenever the existence of such  
17 isomers, esters, ethers, and salts is possible within the  
18 specific chemical designation. Such term does not include the  
19 isoquinoline alkaloids of opium.

20 b. Poppy straw and concentrate of poppy straw.

21 c. Opium poppy.

22 d. Any compound, mixture, or preparation which contains  
23 any quantity of any of the substances referred to in  
24 paragraphs "a" through "c".

25 Sec. 3. Section 124.204, subsection 1, Code 1993, is  
26 amended to read as follows:

27 1. ~~The-controlled-substances~~ Schedule I shall consist of  
28 the drugs and other substances, by whatever official name,  
29 common or usual name, chemical name, or brand name designated,  
30 listed in this section ~~are-included-in-schedule-I.~~

31 Sec. 4. Section 124.204, subsection 2, Code 1993, is  
32 amended by adding the following new paragraphs:

33 NEW PARAGRAPH. au. Acetyl-alpha-methylfentanyl (N-[1-(1-  
34 methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide).

35 NEW PARAGRAPH. av. Alpha-methylthiofentanyl (N-[1-methyl-

1 2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide).

2 NEW PARAGRAPH. aw. Beta-hydroxyfentanyl (N-[1-(2-hydroxy-  
3 2-phenethyl)-4-piperidinyl]-N-phenylpropanamide).

4 NEW PARAGRAPH. ax. 3-Methylfentanyl (N-[3-methyl-1-(2-  
5 phenylethyl)-4-piperidyl]-N-phenylpropanamide).

6 NEW PARAGRAPH. ay. 3-Methylthiofentanyl (N-[(3-methyl-1-  
7 (2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide).

8 NEW PARAGRAPH. az. MPPP (1-methyl-4-phenyl-4-propionoxy-  
9 piperidine).

10 NEW PARAGRAPH. ba. Para-fluorofentanyl (N-(4-  
11 fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]-propanamide).

12 NEW PARAGRAPH. bb. PEPAP (1-(2-phenethyl)-4-phenyl-4-  
13 acetoxypiperidine).

14 NEW PARAGRAPH. bc. Thiofentanyl (N-phenyl-N-[1-(2-  
15 thienyl)ethyl-4-piperidinyl]-propanamide).

16 Sec. 5. Section 124.204, subsection 4, paragraph y, Code  
17 1993, is amended to read as follows:

18 y. ~~1-[1-(2-thienyl)cyclohexyl]pyrrolidine~~ 1-[1-(2-  
19 thienyl)cyclohexyl]pyrrolidine. Some ~~trade-or~~ other names:  
20 ~~FKPy~~ TCPy.

21 Sec. 6. Section 124.204, subsection 4, Code 1993, is  
22 amended by adding the following new paragraphs:

23 NEW PARAGRAPH. z. 3,4-methylenedioxyamphetamine  
24 (MDMA).

25 NEW PARAGRAPH. aa. 3,4-methylenedioxy-N-ethylamphetamine  
26 (also known as N-ethyl-alpha-methyl-  
27 3,4(methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA.

28 NEW PARAGRAPH. ab. N-hydroxy-3,4-  
29 methylenedioxyamphetamine (also known as N-hydroxy-alpha-  
30 methyl-3,4(methylenedioxy)phenethylamine, and N-hydroxy MDA.

31 Sec. 7. Section 124.204, subsection 6, Code 1993, is  
32 amended by adding the following new paragraphs:

33 NEW PARAGRAPH. c. (+-)cis-4-methylaminorex ((+)-cis-4,5-  
34 dihydro-4-methyl-5-phenyl-2-oxazolamine).

35 NEW PARAGRAPH. d. N,N-dimethylamphetamine (also known as

1 N,N-alpha-trimethyl-benzeneethanamine; N,N-alpha-  
2 trimethylphenethylamine).

3 Sec. 8. Section 124.204, subsection 9, Code 1993, is  
4 amended by striking the subsection and inserting in lieu  
5 thereof the following:

6 9. Other materials. Any material, compound, mixture, or  
7 preparation which contains any quantity of the following  
8 substances:

9 a. N-[1-benzyl-4-piperidyl]-N-phenylpropanamide  
10 (denzylfentanyl), its optical isomers, salts and salts of  
11 isomers.

12 b. N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide  
13 (thenylfentanyl), its optical isomers, salts and salts of  
14 isomers.

15 c. Methcathinone. Some other names: ephedrone; 2-  
16 methylamino-1-phenylpropan-1-one; monomethylpropion; UR 1431,  
17 its salts, optical isomers, and salts of optical isomers.

18 d. Aminorex. Some other names: aminoxaphen, 2-amino-5-  
19 phenyl-2-oxazoline, or 4,5-dihydro-5-phenyl-2-oxazolamine, its  
20 salts, optical isomers, and salts of optical isomers.

21 Sec. 9. Section 124.206, subsection 7, paragraph b, Code  
22 1993, is amended to read as follows:

23 b. Dronabinol (synthetic) in sesame oil and encapsulated  
24 in a soft gelatin capsule in a United States food and drug  
25 administration approved drug product. [Some other names for  
26 dronabinol (6aR-trans)-6a7-77-87-10a-tetrahydro-67-67-9-  
27 trimethyl-3-pentyl-6H-dibenzo-[b,d]-pyran-1-ol- or (-)-delta  
28 9-(trans)-tetrahydrocannabinol: (6aR-trans)-6a,7,8,10a-  
29 tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo[b,d]pyran-1-ol,  
30 or (-)-delta-9-(trans)-tetrahydrocannabinol.]

31 Sec. 10. Section 124.208, subsection 1, Code 1993, is  
32 amended to read as follows:

33 1. The controlled substances Schedule III shall consist of  
34 the drugs and other substances, by whatever official name,  
35 common or usual name, chemical name, or brand name designated,

1 listed in this section ~~are included in schedule III.~~

2 Sec. 11. Section 124.208, subsection 3, paragraph k,  
3 subparagraphs (2) and (3), Code 1993, are amended to read as  
4 follows:

5 (2) Some trade or other names for tiletamine: 2-  
6 ~~fethylamino}-2-{2-thienyl}-cyclohexanone~~ 2-(ethylamino)-2-(2-  
7 thienyl)-cyclohexanone.

8 (3) Some trade or other names for zolazepam: 4-{2-  
9 fluorophenyl}-6,8-dihydro-1,3,8--trimethylpyraxolo-{3,4-e}  
10 {1,4}-diazepin-7{1H}-one-flupyrzapon 4-(2-fluorophenyl)-6,8-  
11 dihydro-1,3,8-trimethylpyraxolo-[3,4-e] [1,4]-diazepin-7(1H)-  
12 one flupyrzapon.

13 Sec. 12. Section 124.210, subsection 1, Code 1993, is  
14 amended to read as follows:

15 1. ~~The controlled substances~~ Schedule IV shall consist of  
16 the drugs and other substances, by whatever official name,  
17 common or usual name, chemical name, or brand name designated,  
18 listed in this section are included in schedule IV.

19 Sec. 13. Section 124.212, subsection 1, Code 1993, is  
20 amended to read as follows:

21 1. ~~The controlled substances~~ Schedule V shall consist of  
22 the drugs and other substances, by whatever official name,  
23 common or usual name, chemical name, or brand name designated,  
24 listed in this section are included in schedule V.

25 Sec. 14. Section 124.212, subsection 4, Code 1993, is  
26 amended to read as follows:

27 4. Stimulants. Unless specifically excepted or listed in  
28 another schedule, any material, compound, mixture, or  
29 preparation which contains any quantity of ~~the following~~  
30 ~~substances having a stimulant effect on the central nervous~~  
31 ~~system~~ pyrovalerone, including its salts, isomers, and salts  
32 of isomers:

33 a. ~~Propylhexedrine.~~

34 b. ~~Pyrovalerone.~~

35 Sec. 15. Section 124.401, subsection 3, Code 1993 is

1 amended by adding the following new unnumbered paragraph:

2 NEW UNNUMBERED PARAGRAPH. It is lawful for a person to  
3 knowingly or intentionally possess marijuana if the possession  
4 is in accordance with the provisions of section 124.401B or  
5 124.511.

6 Sec. 16. NEW SECTION. 124.401B MARIJUANA FOR THERAPEUTIC  
7 PURPOSES.

8 Notwithstanding other provisions of law to the contrary,  
9 the following provisions apply to possession of marijuana for  
10 therapeutic purposes in accordance with this section or  
11 section 124.511.

12 1. It is lawful for a person who is eighteen years of age  
13 or older to knowingly or intentionally possess marijuana if  
14 any of the following circumstances exists:

15 a. The person possessing the marijuana was diagnosed by a  
16 physician as having glaucoma before the person was alleged to  
17 unlawfully possess the marijuana.

18 b. The person possessing the marijuana is being treated  
19 with chemotherapy or radiation therapy and has suffered from  
20 significant nausea or vomiting as a result of the treatment.

21 c. The person possessing the marijuana was diagnosed by a  
22 physician as having multiple sclerosis, hyperparathyroidism,  
23 nail patella syndrome, or acquired immune deficiency syndrome,  
24 and as having symptoms of pain or spasms due to the diagnosed  
25 condition, before the person was alleged to unlawfully possess  
26 the marijuana.

27 d. The person possessing the marijuana has obtained the  
28 marijuana from a licensed physician or surgeon, osteopath,  
29 osteopathic physician or surgeon, or pharmacist and the  
30 marijuana is dispensed in accordance with section 147.107.

31 2. Possession of marijuana in accordance with the  
32 provisions of this section is a lawful possession and is an  
33 affirmative defense to a prosecution for possession of  
34 marijuana.

35 3. Possession of marijuana in accordance with the

1 provisions of this section or section 124.511 is lawful  
2 possession and the possessor is not subject to the provisions  
3 of chapter 809, relating to seizable and forfeitable property,  
4 based upon that possession.

5 Sec. 17. Section 124.506, subsection 2, Code 1993, is  
6 amended to read as follows:

7 2. Upon written application by the board, the court by  
8 whom the forfeiture of controlled substances has been decreed  
9 may order the delivery of any of them, except controlled  
10 substances listed in schedule I, to the board for distribution  
11 or destruction, as provided by this section or section  
12 124.511.

13 Sec. 18. NEW SECTION. 124.511 MARIJUANA THERAPEUTIC  
14 RESEARCH PROGRAM.

15 1. The general assembly finds that research has indicated  
16 that the use of marijuana may alleviate nausea and other side  
17 effects of chemotherapy and radiation therapy as well as some  
18 symptoms of glaucoma and other conditions with symptoms of  
19 pain, stress, spasms, nausea, or loss of appetite. The  
20 general assembly finds that further research and strictly  
21 controlled experimentation regarding the therapeutic uses of  
22 marijuana is necessary and desirable. The purpose of this  
23 section is to encourage this research and experimentation.

24 2. As used in this section, unless the context otherwise  
25 requires, "program" means the marijuana therapeutic research  
26 program established in this section.

27 3. A marijuana therapeutic research program is established  
28 under the board. The board shall adopt rules for the proper  
29 administration of the program. In adopting rules, the board  
30 shall consider pertinent rules adopted by the federal drug  
31 enforcement agency, federal food and drug administration,  
32 national institute on drug abuse, and any other applicable  
33 federal agency.

34 4. The board shall contract with the national institute on  
35 drug abuse for the receipt of marijuana under pertinent rules

1 adopted by the national institute on drug abuse, the federal  
2 food and drug administration, and the federal drug  
3 administration. However, if within a reasonable period of  
4 time, the board is unable to complete a contract with the  
5 national institute on drug abuse, the board shall apply to the  
6 court for delivery of marijuana under the provisions of  
7 section 124.506. The board may receive the confiscated  
8 marijuana and shall distribute it in accordance with this  
9 section. Any marijuana received under this subsection shall  
10 be made free of impurities and analyzed for potency by the  
11 board.

12 5. The board shall deliver marijuana received under  
13 subsection 3 to appropriate licensed pharmacists designated by  
14 the board. Any marijuana delivered to a pharmacist shall only  
15 be distributed to a patient pursuant to a written prescription  
16 of a licensed physician who is approved by the participation  
17 review committee established by this section. A pharmacist  
18 designated by the board is not liable, except for intentional  
19 misconduct or gross negligence, in any civil action related to  
20 marijuana distributed to a patient in accordance with this  
21 section.

22 6. A participation review committee is established and  
23 staffing for the committee shall be provided by the board.  
24 The membership of the committee shall consist of three members  
25 appointed as follows: a registered pharmacist appointed by  
26 the board of pharmacy examiners, a licensed physician who is  
27 board certified in ophthalmology or otorhinolaryngology  
28 appointed by the board of medical examiners, and a licensed  
29 physician who is board certified in internal medicine with a  
30 subspecialty certification in medical oncology. Committee  
31 members shall serve at the pleasure of the appointing  
32 authority and are eligible for payment of per diem and  
33 reimbursement of actual and necessary expenses incurred while  
34 performing official duties. The committee shall have  
35 authority to review and approve physician applications to



1 participate in the program. The committee meetings to review  
2 applications shall be closed in the same manner as a meeting  
3 to discuss the contents of a licensing examination in  
4 accordance with the provisions of section 21.5, subsection 1,  
5 paragraph "d". Applicants must submit a twenty-five dollar  
6 fee with the application.

7 7. A physician approved by the participation review  
8 committee for participation in the program is authorized to  
9 prescribe marijuana for a patient under any of the following  
10 circumstances:

11 a. The patient is diagnosed as having glaucoma by the  
12 physician.

13 b. The patient is being treated with chemotherapy or  
14 radiation therapy and has suffered from significant nausea or  
15 vomiting as a result of the treatment.

16 c. The patient is diagnosed by a physician as having  
17 multiple sclerosis, hyperparathyroidism, nail patella  
18 syndrome, acquired immune deficiency syndrome, or other  
19 condition with symptoms of pain or spasms.

20 8. A physician approved by the participation review  
21 committee for participation in the program is expressly  
22 authorized to prescribe marijuana. A patient for whom  
23 marijuana is prescribed by a physician approved to participate  
24 in the program is expressly authorized to possess marijuana.  
25 A registered pharmacist designated by the board under this  
26 section is expressly authorized to possess and distribute  
27 marijuana under this section.

28 9. Only the following persons shall have access to the  
29 name and other identifying characteristics of a patient for  
30 whom marijuana is prescribed under this section:

31 a. The board.

32 b. The attorney general or a designee of the attorney  
33 general.

34 c. A person directly connected with the program who has a  
35 legitimate need for the information.

1 d. A person for whom access has been specifically  
2 authorized by that patient.

3 10. The board and the participation review committee shall  
4 report annually with findings and recommendations concerning  
5 the program to the governor and the general assembly.

6 Sec. 19. Section 453B.6, Code 1993, is amended by adding  
7 the following new unnumbered paragraph:

8 NEW UNNUMBERED PARAGRAPH. A person who is in possession of  
9 marijuana for medical purposes in accordance with section  
10 124.401B or 124.511 is in lawful possession of a taxable  
11 substance and is not subject to the requirements of this  
12 chapter.

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