

An Act relating to the Uniform Controlled Substances Act, registration requirements and disciplinary actions taken against a registrant along with associated contested case proceedings.

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

DIVISION 1

REGISTRATION AND DISCIPLINE

Section 1. Section 124.302, subsection 1, Code 2017, is amended to read as follows:

1. Every person who manufactures, distributes, or dispenses any controlled substance ~~within~~ in this state or who proposes to engage in the manufacture, distribution, or dispensing of any controlled substance within this state, shall obtain and maintain a ~~biennial~~ registration issued by the board in accordance with its rules.

Sec. 2. Section 124.302, subsection 4, Code 2017 is amended to read as follows:

4. A separate registration is required for each principal place of business or professional practice where the applicant manufactures, distributes, ~~or dispenses,~~ or conducts research with controlled substances.

Sec. 3. Section 124.304, Code 2017, is amended to read as follows:

**124.304 Revocation, suspension, ~~or~~ restriction, or discipline of registration.**

1. The board may suspend, revoke, ~~or restrict,~~ or otherwise impose discipline on a registration under section 124.303 ~~to manufacture, distribute, or dispense a controlled substance~~ upon a finding that any of the following apply to the registrant:

a. The registrant has furnished false or fraudulent material information in any application filed under this chapter or under any other chapter which applies to the registrant or the registrant's practice.

b. The registrant has had the registrant's federal registration to manufacture, distribute, ~~or dispense,~~ or conduct research with controlled substances suspended, revoked, or restricted.

c. The registrant has been convicted of a public offense under any state or federal law relating to any controlled substance. For the purpose of this section only, a conviction shall include a plea of guilty, a forfeiture of bail or collateral deposited to secure a defendant's appearance in court which forfeiture has not been vacated, or a finding of guilt in a criminal action even though the entry of the judgment or sentence has been withheld and the individual placed on probation.

d. The registrant has committed such acts as would render the registrant's registration under section 124.303 inconsistent with the public interest as determined under that section.

e. If the registrant is a licensed health care professional, the registrant has had the registrant's professional license revoked or suspended or has been otherwise disciplined in a way that restricts the registrant's authority to handle or prescribe controlled substances.

2. The board may limit revocation, ~~or~~ suspension, restriction, or discipline of a registration to the particular controlled substance with respect to which grounds for revocation, ~~or~~ suspension, restriction, or discipline exist.

3. If the board suspends, ~~or~~ revokes, or restricts a registration, all controlled substances owned or possessed by the registrant at the time of suspension or restriction or the effective date of the revocation order may be placed under seal. No disposition may be made of substances under seal until the time for taking an appeal has elapsed or until all appeals have been concluded unless a court, upon application, orders the sale of perishable substances and the deposit of the proceeds of the sale with the court. Upon a ~~revocation~~ an order becoming final, all such controlled substances may be forfeited to the state.

4. The board shall promptly notify the bureau and the department of all orders suspending, restricting, or revoking, or otherwise disciplining a registration ~~and all forfeitures of controlled substances.~~

Sec. 4. Section 124.305, Code 2017, is amended to read as follows:

**124.305 ~~Order to show cause~~ Contested case proceedings.**

1. Before ~~denying, suspending, restricting, or~~ revoking, or otherwise imposing discipline on a registration, or refusing a renewal of registration, the board shall serve upon the ~~applicant or registrant~~ an order to show cause why registration should not be denied, revoked, or suspended, or why the renewal should not be refused a notice in accordance with section 17A.12. ~~The order to show cause shall contain a statement of the basis therefor and shall call upon the applicant or~~

~~registrant to appear before the board at a time and place not less than thirty days after the date of service of the order, but in the case of a denial or renewal of registration the show cause order shall be served not later than thirty days before the expiration of the registration. These proceedings shall comply with the contested case procedures of the Iowa administrative procedure Act, chapter 17A.~~ These proceedings shall be conducted without regard to any criminal prosecution or other proceeding. Proceedings to refuse renewal of registration shall not abate the existing registration which shall remain in effect pending the outcome of the administrative hearing.

2. The board, ~~without an order to show cause,~~ may suspend any registration simultaneously with the institution of ~~proceedings under section 124.304, or where renewal of registration is refused,~~ a contested case proceeding in accordance with section 17A.18A if it finds that there is an imminent danger to the public health or safety which warrants this action. The suspension shall continue in effect until the conclusion of the proceedings, including judicial review thereof, under the provisions of the Iowa administrative procedure Act, chapter 17A, unless sooner withdrawn by the board or dissolved by the order of the district court or an appellate court.

## DIVISION 2

### ADDITIONAL CONTROLLED SUBSTANCES AND PRECURSOR SUBSTANCES

Sec. 5. Section 124.204, subsection 9, Code 2017, is amended by adding the following new paragraphs:

NEW PARAGRAPH: *t.* Methyl2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate, its optical, positional, and geometric isomers, salts and salts of isomers.

Other names: 5F-ADB; 5F-MDMB-PINACA.

NEW PARAGRAPH: *u.* Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate, its optical, positional, and geometric isomers, salts and salts of isomers. Other name: 5F-AMB.

NEW PARAGRAPH: *v.* N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-

carboxamide, its optical, positional, and geometric isomers, salts and salts of isomers. Other names: 5F-APINACA, 5F-AKB48.

NEW PARAGRAPH: *w.* N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide, its optical, positional, and geometric isomers, salts and salts of isomers. Other name: ADB-FUBINACA.

NEW PARAGRAPH: *x.* Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate, its optical, positional, and geometric isomers, salts and salts of isomers. Other names: MDMB-CHMICA, MMB-CHMINACA.

NEW PARAGRAPH: *y.* Methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate, its optical, positional, and geometric isomers, salts and salts of isomers. Other name: MDMB-FUBINACA.

NEW PARAGRAPH: *z.* N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide, its isomers, esters, ethers, salts and salts of isomers, esters and ethers. Other names: 4-fluoroisobutyryl fentanyl, para-fluoroisobutyryl fentanyl.

NEW PARAGRAPH: *aa.* N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide (other names: ortho-fluorofentanyl or 2-fluorofentanyl).

NEW PARAGRAPH: *ab.* N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide (other name: tetrahydrofuran fentanyl).

NEW PARAGRAPH: *ac.* 2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide (other name: methoxyacetyl fentanyl).

NEW PARAGRAPH: *ad.* N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide (other names: acryl fentanyl or acryloylfentanyl).

Sec. 6. Section 124.206, subsection 7, Code 2017, is amended by adding the following new paragraph:

NEW PARAGRAPH: *c.* Dronabinol [(-)-delta-9-trans-tetrahydrocannabinol] in an oral solution in a drug product approved for marketing by the U.S. Food and Drug Administration.

Sec. 7. Section 124B.2, subsection 1, Code 2017, is amended by adding the following new paragraph:

NEW PARAGRAPH: *ab.* Alpha-phenylacetoacetonitrile and its salts, optical isomers, and salts of optical isomers. Other name: APAAN.

Sec. 8. EFFECTIVE UPON ENACTMENT. This division, being deemed of immediate importance, shall take effective upon enactment.

### **EXPLANATION**

This bill removes the specific frequency of registration such that the board can align registration with the registrant's underlying professional license, or home state license or registration for registrants located outside of Iowa shipping into Iowa, so the registrant is not holding an active registration when the registrant might not otherwise be eligible for registration. The bill also provides the board the option of taking formal disciplinary action against a registration when the violation does not rise to the level of restriction, suspension, or revocation. The bill adds controlled substances to Schedule I and Schedule II consistent with scheduling action taken by the United States Drug Enforcement Administration. The Schedule I added substances include six synthetic cannabinoids and five synthetic opioids. The Schedule II substance is tetrahydrocannabinol (THC) when it is a component of an FDA-approved product. The bill also adds one substance to the list of precursor substances due to its use in the illicit manufacture of phenylacetone (P2P).