**A BILL FOR**

An Act relating to controlled substances, adding substances to the controlled substances schedules, removing references to board rules relating to marijuana, and expanding information collection and amending reporting requirements for the Iowa Prescription Monitoring Program.

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

DIVISION I

IOWA PRESCRIPTION MONITORING PROGRAM

Section 1. Section 124.554, subsection 1, paragraph g, Code 2018, is amended to read as follows:

**Commented [S1]:** Updates PMP reporting to include all CV substances and other Rx drugs deemed appropriate by IBOP/PMP AC

*g.* Including all schedule II, schedule III, and schedule IV controlled substances, ~~those substances in schedules III and IV that the advisory council and board determine can be addictive or fatal if not taken under the proper care and direction of a prescribing practitioner~~, schedule V controlled substances including when dispensed by a pharmacist without a prescription, except for sales of pseudoephedrine which are reported to the real-time electronic repository, ~~and~~ opioid antagonists, and other prescription substances that the advisory council and board determine can be addictive or fatal if not taken under the proper care and direction of a prescribing practitioner.

Sec. 2. Section 124.554, subsection 2, Code 2018, is amended to read as follows:

**Commented [S2]:** Changes annual report due date

2. Beginning ~~January~~ February 1, ~~2007~~ 2020, and annually by ~~January~~ February 1 thereafter, the board and advisory council shall present to the general assembly and the governor a report prepared consistent with section 124.555, subsection 3, paragraph "*d*", which shall include but not be limited to the following:

*a.* The cost to the state of implementing and maintaining the program.

*b.* Information from pharmacies, prescribing practitioners, the board, the advisory council, and others regarding the benefits or detriments of the program.

*c.* Information from pharmacies, prescribing practitioners, the board, the advisory council, and others regarding the board's effectiveness in providing information from the program.

DIVISION II

CHANGES AND ADDITIONS TO CONTROLLED SUBSTANCES SCHEDULES

Sec. 3. Section 124.204, subsection 2, Code 2018, is amended by adding the following new paragraph:

NEW PARAGRAPH: *be*. MT-45 (1-cyclohexyl-4-(1,2-diphenylethyl)piperazine).

Sec. 4. Section 124.204, subsection 4, paragraph "*m*", Code 2018, is amended to read as follows:

*m*. Marijuana~~, except as otherwise provided by rules of the board for medicinal purposes~~.

Sec. 5. Section 124.204, subsection 4, paragraph "*u*", Code 2018, is amended to read as follows:

*u.* Tetrahydrocannabinols, ~~except as otherwise provided by rules of the board for medicinal purposes,~~ meaning tetrahydrocannabinols naturally contained in a plant of the genus Cannabis (Cannabis plant) as well as synthetic equivalents of the substances contained in the Cannabis plant, or in the resinous extractives of such plant, and synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity to those substances contained in the plan, such as the following:

(1) 1 cis or trans tetrahydrocannabinol, and their optical isomers.

(2) 6 cis or trans tetrahydrocannabinol, and their optical isomers.

(3) 3,4 cis or trans tetrahydrocannabinol, and their optical isomers. (Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered.)

Sec. 6. Section 124.204, subsection 6, paragraph "*i*", Code 2018, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH: (27) 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-pentan-1-one. Other names: *N*-ethylpentylone or ephylone.

Sec. 7. Section 124.204, subsection 7, Code 2018, is amended by striking the subsection.

Sec. 8. Section 124.204, subsection 9, Code 2018, is amended by adding the following new paragraphs:

NEW PARAGRAPH: *af.* N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide, its isomers, esters, ethers, salts and salts of isomers, esters, and ethers. Other name: cyclopropyl fentanyl.

**Commented [S3]:** Adds this opioid analgesic to CI

**Commented [S4]:** Removes language related to "rules of the board" for medicinal marijuana programs

**Commented [S5]:** Removes language related to "rules of the board" for medicinal marijuana programs

**Commented [S6]:** Adds one synthetic cathinone to CI

**Commented [S7]:** Removes language related to medical marijuana programs by the board

**Commented [S8]:** Adds 5 synthetic cannabinoids and 9 synthetic opioids to CI

NEW PARAGRAPH. *ag.* N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide, its isomers, esters, ethers, salts and salts of isomers, esters and ethers. Other name: valeryl fentanyl.

NEW PARAGRAPH. *ah.* N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide, its isomers, esters, ethers, salts and salts of isomers, esters and ethers. Other name: para-fluorobutyryl fentanyl.

NEW PARAGRAPH. *ai.* N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butryamide, its isomers, esters, ethers, salts and salts of isomers, esters and ethers. Other name: para-methyoxybutyryl fentanyl.

NEW PARAGRAPH. *aj.* N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutryramide, its isomers, esters, ethers, salts and salts of isomers, esters and ethers. Other name: para-chloroisobutyryl fentanyl.

NEW PARAGRAPH. *ak.* N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide, its isomers, esters, ethers, salts and salts of isomers, esters and ethers. Other name: isobutyryl fentanyl.

NEW PARAGRAPH. *al.* N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide, its isomers, esters, ethers, salts and salts of isomers, esters and ethers. Other name: cyclopentyl fentanyl.

NEW PARAGRAPH. *am.* N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)acetamide, its isomers, esters, ethers, salts and salts of isomers, esters and ethers. Other name: ocfentanil.

NEW PARAGRAPH. *an.* Fentanyl-related substances, their isomers, esters, ethers, salts and salts of isomers, esters and ethers.

(1) Fentanyl related substance means any substance not otherwise listed under another schedule, and for which no exemption or approval is in effect under section 505 of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 355], that is structurally related to fentanyl by one or more of the following modifications:
    a. Replacement of the phenyl portion of the phenethyl group by any monocycle, whether or not further substituted in or on the monocycle;
    b. Substitution in or on the phenethyl group with alkyl, alkenyl, alkoxyl, hydroxyl, halo, haloalkyl, amino or nitro groups;
    c. Substitution in or on the piperidine ring with alkyl, alkenyl, alkoxyl, ester, ether, hydroxyl, halo, haloalkyl, amino or nitro groups;
    d. Replacement of the aniline ring with any aromatic monocycle whether or not further substituted in or on the aromatic monocycle; and/or
    e. Replacement of the *N*-propionyl group by another acyl group.

(2) This definition includes, but is not limited to, the following substances:

a. Reserved.

b. Reserved.

NEW PARAGRAPH. *ao.* Naphthalen-1-yl 1-(5-fluoropentyl)-1*H*-indole-3-carboxylate. Other names: NM2201 or CBL2201.

NEW PARAGRAPH. *ap.* *N*-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1*H*-indazole-3-carboxamide. Other name: 5F-AB-PINACA.

NEW PARAGRAPH. *aq.* 1-(4-cyanobutyl)-*N*-(2-phenylpropan-2-yl)-1*H*-indazole-3-carboxamide. Other names: 4-CN-CUMYL-BUTINACA, 4-cyano-CUMYL-BUTINACA, 4-CN-CUMYL BINACA, CUMYL-4CN-BINACA, or SGT-78.

NEW PARAGRAPH. *ar.* Methyl 2-(1-(cyclohexylmethyl)-1*H*-indole-3-carboxamido)-3-methylbutanoate. Other names: MMB-CHMICA or AMB-CHMICA.

NEW PARAGRAPH. *as.* 1-(5-fluoropentyl)-*N*-(2-phenylpropan-2-yl)-1*H*-pyrrolo[2,3-b]pyridine-3-carboxamide. Other name: 5F-CUMYL-P7AICA.

Sec. 9. Section 124.206, subsection 7, paragraph "*a*", Code 2018 is amended by striking the paragraph.

**Commented [S9]:** Removes language related to medical marijuana programs by the board

Sec. 10. Section 124.208, subsection 3, paragraph "*c*", Code 2018, is amended to read as follows:

**Commented [S10]:** Makes all butalbital products (even if identified on DEA Exempted Prescription List) CIII products (subject to PMP reporting)

*c.* Any substance which contains any quantity of a derivative of barbituric acid or any salt thereof (including, but not limited to, Fioricet).

Sec. 11. Section 124.212, Code 2018, is amended by adding the following new subsection:

**Commented [S11]:** Schedules Epidiolex as CV

NEW SUBSECTION: 6. *Approved cannabidiol drugs.* A drug product in finished dosage formulation that has been approved by the U.S. Food and Drug Administration that contains cannabidiol (2-[1R-3-methyl-6R-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-1,3-benzenediol) derived from cannabis and no more than 0.1 percent (w/w) residual tetrahydrocannabinols.

Sec. 12. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

**Commented [S12]:** Immediate effectiveness upon enactment

EXPLANATION

DIVISION I. This division of the bill seeks to expand reporting to the Iowa prescription monitoring program (PMP) to include those controlled substances in schedule V of the Iowa Uniform Controlled Substances Act which are dispensed to patients in Iowa. The reporting requirement would include all schedule V controlled substances, including those which do not require a prescription to be dispensed by a pharmacist but excluding the sale of pseudoephedrine

products which sales are reported to the real-time electronic repository. The reporting requirement would also include other prescription substances that the PMP advisory council and the board determine could be addictive or fatal if not taken under the proper care and direction of a prescribing practitioner.

The bill also changes the due date for annual reports to the governor and the legislature regarding the program from January 1 to February 1 to provide complete annual data in each annual report.

DIVISION II. This bill of the bill adds one opioid analgesic, one synthetic cathinone, five synthetic cannabinoids, and nine synthetic opioids to schedule I of the Controlled Substances Act. The bill adds to schedule V of the Act any FDA-approved products containing cannabidiol (CBD) that contain no more than 0.1 percent tetrahydrocannabinols (THC). These scheduling actions follow similar scheduling action taken by the federal Drug Enforcement Administration (DEA).

The bill designates all products which contain derivatives of barbituric acid (butalbital) as schedule III controlled substances, subject to reporting to the PMP. Currently, DEA exempts some butalbital-containing products from all controlled schedules, but the PMP advisory council and board consider these products potentially addictive and seek to include usage of these substances in PMP data for practitioner evaluation.

The bill seeks to remove language referring to “rules of the board” relating to medical marijuana programs since it has no such programs.