

## A BILL FOR

An Act relating to controlled substances, including changes and additions to the controlled substances schedules and effective date provisions.

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

Section 1. Section 124.201A, Code 2020, is rescinded and replaced to read as follows:

1. If a cannabis-derived investigational product is approved as a prescription drug by the United States food and drug administration and is added to the federal schedule of controlled substances by the United States drug enforcement administration and notice of the addition is given to the board, the board shall similarly add the prescription drug in the schedule of controlled substances under this Chapter.
2. If a cannabis-derived product approved as a prescription drug by the United States food and drug administration is eliminated from or revised in the federal schedule of controlled substances by the United States drug enforcement administration and notice of the elimination or revision is given to the board, the board shall similarly eliminate or revise the prescription drug in the schedule of controlled substances under this chapter.
3. The board shall adopt rules pursuant to chapter 17A to administer this section. The board may adopt rules on an emergency basis as provided in section 17A.4, subsection 3, and section 17.5, subsection 2, to administer this section, and the rules shall be effective immediately upon filing unless a later date is specified in the rules. Any emergency rules adopted in accordance with this section shall also be published as a notice of intended action as provided in section 17A.4, subsection 1.
4. Any cannabis-derived drug product approved as a prescription drug by the United States food and drug administration shall not be considered marijuana, cannabimimetic, tetrahydrocannabinols, or hemp when those terms are used in this chapter.

Sec. 2. Section 124.204, subsection 2, Code 2020, is amended by adding the following new paragraph:

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

Sec. 3. Section 124.204, subsection 4, paragraph “m”, Code 2019, is amended to read as follows:

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

Sec. 4. Section 124.204, subsection 4, paragraph “u”, Code 2019, 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 plant, 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. 5. Section 124.204, subsection 6, paragraph “i”, Code 2020, is amended by adding the following new subparagraphs:

NEW SUBPARAGRAPH: (27) 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-pentan-1-one.

Other names: *N*-ethylpentylone or ephylone.

NEW SUBPARAGRAPH: (28) N-Ethylhexedrone, its optical, positional, and geometric isomers, salts and salts of isomers (Other name: 2-(ethylamino)-1-phenylhexan-1-one).

NEW SUBPARAGRAPH: (29) alpha-pyrrolidinohexanophenone, its optical, positional, and geometric isomers, salts and salts of isomers (Other names:  $\alpha$ -PHP; alpha-pyrrolidinohexiophenone; 1-phenyl-2-(pyrrolidin-1-yl)hexan-1-one).

NEW SUBPARAGRAPH: (30) 4-Methyl-alpha-ethylaminopentiophenone, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: 4—MEAP; 2-(ethylamino)-1-(4-methylphenyl)pentan-1-one).

NEW SUBPARAGRAPH: (31) 4'-Methyl-alpha-pyrrolidinohexiophenone, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: MPHP; 4'-methyl-alpha-pyrrolidinohexanophenone; 1-(4-methylphenyl)-2-(pyrrolidin-1-yl)hexan-1-one).

NEW SUBPARAGRAPH: (32) alpha-Pyrrolidinoheptaphenone, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: PV8; 1-phenyl-2-(pyrrolidin-1-yl)heptan-1-one).

NEW SUBPARAGRAPH: (33) 4'-Chloro-alpha-pyrrolidinovalerophenone, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: 4-chloro- $\alpha$ -PVP; 4'-chloro-alpha-pyrrolidinopentiophenone; 1-(4-chlorophenyl)-2-(pyrrolidin-1-yl)pentan-1-one).

Sec. 6. Section 124.204, subsection 7, Code 2019, is amended by striking the subsection.

Sec. 7. Section 124.204, subsection 9, Code 2020, 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.

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)butyramide, its isomers, esters, ethers, salts and salts of isomers, esters and ethers. Other name: para-methoxybutyryl fentanyl.

NEW PARAGRAPH. *aj.* N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide, 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, alkoxy, hydroxyl, halo, haloalkyl, amino or nitro groups;
- c. Substitution in or on the piperidine ring with alkyl, alkenyl, alkoxy, 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.

NEW PARAGRAPH. *at.* Ethyl 2-(1-(5-fluoropentyl)-1*H*-indazole-3-carboxamido)-3,3-dimethylbutanoate, its optical, positional, and geometric isomers, salts and salts of isomers (other name: 5F-EDMB-PINACA).

NEW PARAGRAPH. *au.* Methyl 2-(1-(5-fluoropentyl)-1*H*-indole-3-carboxamido)-3,3-dimethylbutanoate, its optical, positional, and geometric isomers, salts and salts of isomers (other name: 5F-MDMB-PICA).

NEW PARAGRAPH. *av.* *N*-(adamantan-1-yl)-1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamide, its optical, positional, and geometric isomers, salts and salts of isomers (other names: FUB-AKB48, FUB-APINACA, AKB48 *N*-(4-FLUOROBENZYL)).

NEW PARAGRAPH. *aw.* 1-(5-fluoropentyl)-*N*-(2-phenylpropan-2-yl)-1*H*-indazole-3-carboxamide, its optical, positional, and geometric isomers, salts and salts of isomers (other names: 5F-CUMYL-PINACA, SGT-25).

NEW PARAGRAPH. *ax.* (1-(4-fluorobenzyl)-1*H*-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl) methanone, its optical, positional, and geometric isomers, salts and salts of isomers (other name: FUB-144).

Sec. 8. Section 124.206, subsection 7, paragraph “*a*”, Code 2019, is amended by striking the paragraph.

Sec. 9. Section 124.208, subsection 3, paragraph “c”, Code 2020, is amended to read as follows:

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

Sec. 10. Section 124.210, subsection 3, Code 2020, is amended by adding the following new paragraph:

NEW PARAGRAPH. *bd.* Brexanolone.

Sec. 11. Section 124.210, subsection 6, Code 2020, is amended by adding the following new paragraph:

NEW PARAGRAPH. *m.* Solriamfetol (2-amino-3-phenylpropyl carbamate; benzenepropanol, beta-amino-, carbamate (ester)).

Sec. 12. Section 124.212, Code 2020, is amended by adding the following new subsection:

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

### **EXPLANATION**

This bill seeks to rescind and replace section 124.201A to allow for the board to schedule additional types of cannabis-derived drug products which may be approved by the FDA and scheduled by DEA.

The bill strikes language referring to medical marijuana programs of the board of pharmacy.

The bill permanently places into schedule I of the controlled substances Act nine synthetic opioids, one opioid analgesic, ten synthetic cannabinoids, seven synthetic cathinones in response to similar scheduling action by the United States federal drug enforcement administration (DEA). The bill permanently places into schedule IV of the controlled substances Act one central nervous system depressant and one central nervous system stimulant in response to similar scheduling action by the DEA. The bill permanently places into schedule V of the controlled substances Act

any FDA-approved products containing cannabidiol that contain no more than 0.1 percent tetrahydrocannabinols.

The bill designates all products which contain derivatives of barbituric acid (butalbital) as schedule III controlled substances under the Act, subject to reporting to the Prescription Monitoring Program (PMP).

The bill becomes effective upon enactment.