

A BILL FOR

An Act relating to controlled substances, including amending the controlled substance schedules and information collection and reporting requirements under the Iowa prescription monitoring program, making penalties applicable, and including effective date provisions.

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

Sec. X. Section 124.204, subsection 2, Code 2022, is amended by adding the following new paragraphs:

NEW PARAGRAPH: *bt.* N-phenyl-N-(1-(2-phenylpropyl)piperidin-4-yl)propionamide. Other name: beta-methyl fentanyl.

NEW PARAGRAPH: *bu.* N-(1-phenethylpiperidin-4yl)-N,3-diphenylpropanamide. Other names: beta-phenyl fentanyl, 3-phenylpropanoyl fentanyl.

NEW PARAGRAPH: *bv.* N-(1-(2-fluorophenethyl)piperidin-4yl)-N-(2-fluorophenyl)propionamide. Other name: 2'-Fluoro ortho-fluorofentanyl, 2'-fluoro 2-fluorofentanyl.

NEW PARAGRAPH: *bw.* N-(1-(4-methylphenethyl)piperidin-4-yl)-N-phenylacetamide. Other name: 4'-Methyl acetyl fentanyl.

NEW PARAGRAPH: *bx.* N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide. Other names: ortho-Fluorobutyryl fentanyl, 2-fluorobutyryl fentanyl.

NEW PARAGRAPH: *by.* N-(2-methylphenyl)-N-(1-phenethylpiperidin-4-yl)acetamide. Other names: ortho-Methyl acetylfentanyl, 2-methyl acetylfentanyl.

NEW PARAGRAPH: *bz.* 2-methoxy-N-(2-methylphenyl)-N-(1-phenethylpiperidin-4-yl)acetamide. Other names: ortho-Methyl methoxyacetyl fentanyl, 2-methyl methoxyacetyl fentanyl.

NEW PARAGRAPH: *ca.* N-(4-methylphenyl)-N-(1-phenethylpiperidin-4-yl)propionamide. Other names: para-Methylfentanyl, 4-methylfentanyl.

NEW PARAGRAPH: *cb.* N-(1-phenethylpiperidin-4-yl)-N-phenylbenzamide. Other names: Phenyl fentanyl, benzoyl fentanyl.

NEW PARAGRAPH: *cc.* N-(1-phenethylpiperidin-4-yl)-N-phenylthiophene-2-carboxamide. Other names: Thiofuranyl fentanyl, 2-thiofuranyl fentanyl, thiophene fentanyl.

NEW PARAGRAPH: *cd.* Ethyl (1-phenethylpiperidin-4-yl) (phenyl) carbamate. Other name: fentanyl carbamate.

NEW PARAGRAPH: *ce.* N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)acrylamide. Other name: ortho-Fluoroacryl fentanyl.

NEW PARAGRAPH: *cf.* N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide. Other name: ortho-Fluoroisobutyryl fentanyl.

NEW PARAGRAPH: *cg.* N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)furan-2-carboxamide. Other name: para-Fluoro furanyl fentanyl.

NEW PARAGRAPH: *ch.* N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide. Other name: valeryl fentanyl.

NEW PARAGRAPH: *ci.* N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide. Other name: para-methoxybutyryl fentanyl.

NEW PARAGRAPH: *cj.* N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide. Other name: para-chloroisobutyryl fentanyl.

NEW PARAGRAPH: *ck.* N-(1-phenethylpiperidin-4-yl)-N-phenylisobutryamide.

NEW PARAGRAPH: *cl.* N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide. Other name: cyclopentanyl fentanyl.

NEW PARAGRAPH: *cm.* N,N-diethyl-2-(4-isopropoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine. Other name: isotonitazene.

Sec. X. Section 124.204, subsection 4, Code 2022, is amended by adding the following new paragraphs:

NEW PARAGRAPH: *av.* methyl 2-(1-(4-fluorobutyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate. Other names: 4F-MDMB-BINACA, 4F-MDMB-BUTINACA.

NEW PARAGRAPH: *aw.* 1-(4-methoxyphenyl)-N-methylpropan-2-amine. Other names: para-methoxymethamphetamine, PMMA.

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

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

NEW PARAGRAPH: *az.* 1-(4-cyanobutyl)-N-(2-phenylpropan-2-yl)-1H-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: *ba.* Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3-methylbutanoate. Other names: MMB-CHMICA or AMB-CHMICA.

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

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

Sec. X. **Section 124.204, subsection 6**, paragraph *i*, subparagraph 27, Code 2022, is amended by striking the subparagraph.

Sec. X. **Section 124.204, subsection 6**, Code 2022, is amended by adding the following new paragraph:

NEW PARAGRAPH: *j.* 4,4'-Dimethylaminorex. Other names: 4,4'-DMAR; 4,5-dihydro-4-methyl-5-(4-methylphenyl)-2-oxazolamine; 4-methyl-5-(4-methylphenyl)-4,5-dihydro-1,3-oxazol-2-amine.

Sec. X. **Section 124.204, subsection 9**, paragraphs *h*, *i*, *j*, *k*, *l*, *ao*, *ap*, *aq*, *ar*, *as* Code 2022, are amended by striking the paragraphs.

Sec. X. **Section 124.204, subsection 9**, paragraph *x*, Code 2022, is amended by striking the paragraph and inserting in lieu thereof the following:

x. 1-(1-(1-(4-bromophenyl)ethyl)piperidin-4-yl)-1,3-dihydro-2H-benzo[d]imidazole-2-one. Other names: bromphine, 1-[1-[1-(4-bromophenyl)ethyl]-4-piperidinyl]-1,3-dihydro-2H-benzimidazol-2-one.

Sec. X. **Section 124.206, subsection 2**, paragraph *a*, Code 2022, is amended by striking the introductory text and replacing as follows:

- a.* Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate excluding apomorphine, thebaine-derived butorphanol, dextrorphan, nalbuphine, naldemedine, nalmeferne, naloxegol, naloxone, 6beta-naltrexol, naltrexone, and samidorphan, and their respective salts, but including the following:

Sec. X. **Section 124.210, subsection 6**, Code 2022, is amended by adding the following new paragraph:

NEW PARAGRAPH: *n.* Serdexmethylphenidate.

Sec. X. **Section 124.212, subsection 5**, Code 2022, is amended by adding the following new paragraph:

NEW PARAGRAPH: *f.* Lasmiditan [2,4,6-trifluoro-N-(6-(1-methylpiperine-4-carbonyl)pyridine-2-yl)-benzamide].

Sec. X. **Section 124B.2, subsection 1**, Code 2022, is amended by adding the following new paragraphs:

NEW PARAGRAPH: ae. 3,4-MDP-2-P methyl glycidate (PMK glycidate) and its optical and geometric isomers.

NEW PARAGRAPH: af. 3,4-MDP-2-P methyl glycidic acid (PMK glycidic acid) and its salts, optical and geometric isomers, and salts of isomers.

NEW PARAGRAPH: ag. Alpha-phenylacetoacetamide (APAA) and its optical isomers.

Sec. X. **Section 124.555**, Code 2022, is amended to read as follows:

124.555 Advisory council established.

An advisory council shall be established to provide oversight to the board and the program and to comanage program activities. ~~The board and advisory council shall jointly adopt rules specifying the duties and activities of the advisory council and related matters.~~

1. The council shall consist of ~~eight~~ members appointed by the ~~governor board~~. The members shall include ~~three~~ at least one licensed ~~pharmacists~~ pharmacist, ~~four physicians~~ one physician licensed under chapter 148, ~~and one licensed prescribing practitioner who is not a physician,~~ and other members as determined by the board. The board shall adopt rules in accordance with chapter 17A on matters pertaining to the council membership, including terms of appointment and quorum. The ~~governor board~~ shall solicit recommendations for council members from Iowa health professional licensing boards, associations, and societies. The license of each member appointed to and serving on the advisory council shall be current and in good standing with the professional's licensing board.
2. The council shall advance the goals of the program, which include identification of misuse and diversion of controlled substances identified pursuant to section 124.554, subsection 1, paragraph "g", and enhancement of the quality of health care delivery in this state.
3. Duties of the council shall include but not be limited to the following:
 - a. Ensuring the confidentiality of the patient, prescribing practitioner, and dispensing pharmacist and pharmacy.
 - b. Respecting and preserving the integrity of the patient's treatment relationship with the patient's health care providers.
 - c. Encouraging and facilitating cooperative efforts among health care practitioners and other interested and knowledgeable persons in developing best practices for prescribing and dispensing controlled substances and in

educating health care practitioners and patients regarding controlled substance use and abuse.

- d. Making recommendations regarding the continued benefits of maintaining the program in relationship to cost and other burdens to the patient, prescribing practitioner, pharmacist, and the board. The council's recommendations shall be included in reports required by section 124.554, subsection 2.
 - e. ~~One physician and one pharmacist member of the council shall include in their duties the responsibility for monitoring~~ Monitoring and ensuring that patient confidentiality, best interests, and civil liberties are at all times protected and preserved during the existence of the program.
4. Members of the advisory council shall be eligible to request and receive actual expenses for their duties as members of the advisory council, subject to reimbursement limits imposed by the department of administrative services, and shall also be eligible to receive a per diem compensation as provided in section 7E.6, subsection 1.

EXPLANATION