

## PHARMACY BOARD [657]

### Adopted and Filed

The Board of Pharmacy hereby amends Chapter 10, “Controlled Substances,” Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 124.201 and 124B.2(2).

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 124.201 and 124B.2(2).

#### *Purpose and Summary*

The amendments temporarily identify three List I chemicals (used in the illicit manufacture of MDMA/“ecstasy”-type substances and amphetamine/methamphetamine) as precursor substances and add the following four substances into the Iowa Controlled Substances Act, both actions in response to similar scheduling action by the federal Drug Enforcement Administration:

- Two hallucinogenic substances into Schedule I,
- One FDA-approved ADHD medication into Schedule IV, and
- One FDA-approved migraine medication into Schedule V.

#### *Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on August 11, 2021, as **ARC 5837C**. The Board received one written comment in opposition of the placement of the substances into Schedule I. The Board declined action on the comment as the scheduling action is in response to the same placement at the federal level. Following the effective date of ARC 5914C, amending rule 10.39, the newly created subrules in this rulemaking have been updated to accurately reflect the new subrules to be created.

#### *Adoption of Rule Making*

This rule making was adopted by the Board on \_\_\_\_\_, 2021.

*Fiscal Impact*

This rule making has no fiscal impact to the state of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 657—Chapter 34.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

*Effective Date*

This rule making will become effective on \_\_\_\_\_, 2021.

The following rule-making action is adopted:

ITEM 1. Adopt the following **new** subrule 10.39(4):

**10.39(4)** Amend Iowa Code section 124.210(6) by adding the following new paragraph:

*n.* Serdexmethylphenidate.

ITEM 2. Adopt the following **new** subrule 10.39(5):

**10.39(5)** Amend Iowa Code section 124.212(5) by adding the following new paragraph:

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

ITEM 3. Adopt the following **new** subrule 10.39(6):

**10.39(6)** Amend Iowa Code section 124.204(4) by adding the following new paragraphs:

*av.* methyl 2-(1-(4-fluorobutyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate. Other

names: 4F-MDMB-BINACA, 4F-MDMB-BUTINACA.

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

ITEM 4. Rescind subrule 12.1(1) and adopt the following **new** subrule in lieu thereof:

**12.1(1)** Amend Iowa Code section 124B.2(1) by adding the following new paragraphs:

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

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

*ag.* Alpha-phenylacetamide (APAA) and its optical isomers.