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# VOLUME I

*Iowa*

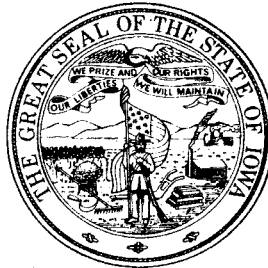
# CODE OF IOWA

## 1981

CONTAINING

### ALL STATUTES OF A GENERAL AND PERMANENT NATURE

To and including the Acts of a permanent nature  
of the Sixty-eighth General Assembly, 1980



WAYNE A. FAUPEL  
CODE EDITOR

PHYLLIS BARRY  
DEPUTY CODE EDITOR

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pound, isomer, stereoisomer derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

18. "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under section 204.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextro-methorphan). It does include its racemic and levorotatory forms.

19. "Opium poppy" means the plant of the species *Papaver somniferum* L., except its seeds.

20. "Person" means individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

21. "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

22. "Practitioner" means either:

a. A physician, dentist, podiatrist, veterinarian, scientific investigator or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state.

b. A pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state.

23. "Production" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled substance.

24. "State," when applied to a part of the United States, includes any state, district, commonwealth, territory, insular possession, and any area subject to the legal authority of the United States of America.

25. "Ultimate user" means a person who lawfully possesses a controlled substance for his own use or for the use of a member of his household or for administering to an animal owned by him or by a member of his household. [C51,§2728; R60,§4374; C73,§4038; C97,§2593; S13,§2593, 2596-a; C24, 27, 31, 35,§3151; C39,§3169.01, 3169.07; C46, 50, 54, 58, 62, 66,§204.1, 204.7; C71,§204.1, 204.7, 204A.1; C73, 75, 77, 79,§204.101; 68GA, ch 1015,§24]

Referred to in §80.27, 155.30, 155.34, 204.410, 279.9, 321.555, 657.2

mentation to the general assembly regarding a substance, the board shall consider the following:

- a. The actual or relative potential for abuse;
- b. The scientific evidence of its pharmacological effect, if known;
- c. State of current scientific knowledge regarding the substance;
- d. The history and current pattern of abuse;
- e. The scope, duration, and significance of abuse;
- f. The risk to the public health;
- g. The potential of the substance to produce psychic or physiological dependence liability; and
- h. Whether the substance is an immediate precursor of a substance already controlled under this division.

2. After considering the above factors, the board shall make a recommendation to the general assembly, specifying the change which should be made in existing schedules, if it finds that the potential for abuse or lack thereof of the substance is not properly reflected by the existing schedules.

3. If the board designates a substance as an immediate precursor, substances which are precursors of the controlled precursor shall not be subject to control solely because they are precursors of the controlled precursor. Such designations shall be made pursuant to the procedures of chapter 17A.

4. If any new substance is designated as a controlled substance under federal law and notice of the designation is given to the board, the board shall similarly designate as controlled the new substance under this chapter after the expiration of thirty days from publication in the Federal Register of a final order designating a new substance as a controlled substance, unless within that thirty-day period the board objects to the new designation. In that case the board shall publish the reasons for objection and afford all interested parties an opportunity to be heard. At the conclusion of the hearing the board shall announce its decision. Upon publication of objection to a new substance being designated as a controlled substance under this chapter by the board, control under this chapter is stayed until the board publishes its decision. If a substance is designated as controlled by the board under this paragraph the control shall be temporary and if within sixty days after the next regular session of the general assembly convenes it has not made the corresponding changes in this chapter, the temporary designation of control of the substance by the board shall be nullified. [C73, 75, 77, 79,§204.201]

Referred to in §204.101(18)

## DIVISION II

### STANDARDS AND SCHEDULES

#### 204.201 Duty to recommend changes in schedules.

1. The board shall administer the regulatory provisions of this chapter. Annually, within thirty days after the convening of each regular session of the general assembly, the board shall recommend to the general assembly any deletions from, or revisions in the schedules of substances, enumerated in sections 204.204, 204.206, 204.208, 204.210 or 204.212, which it deems necessary or advisable. In making a recom-

**204.202 Controlled substances—listed regardless of name.** The controlled substances listed in the schedules in sections 204.204, 204.206, 204.208, 204.210 and 204.212 are included by whatever official name, common or usual name, chemical name, or trade name is designated. [C73, 75, 77, 79,§204.202]

**204.203 Substances listed in schedule I—criteria.** The board shall recommend to the general assembly that it place in schedule I any substance not already included therein if the board finds that the substance:

1. Has high potential for abuse; and

2. Has no accepted medical use in treatment in the United States; or lacks accepted safety for use in treatment under medical supervision.

If the board finds that any substance included in schedule I does not meet these criteria, it shall recommend that the general assembly place the substance in a different schedule or remove it from the list of controlled substances, as appropriate. [C73, 75, 77, 79, §204.203]

#### 204.204 Schedule I—substances included.

1. The controlled substances listed in this section are included in schedule I.

2. Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

- a. Acetylmethadol.
- b. Allylprodine.
- c. Alphacetylmethadol.
- d. Alphameprodine.
- e. Alphamethadol.
- f. Benzethidine.
- g. Betacetylmethadol.
- h. Betameprodine.
- i. Betamethadol.
- j. Betaprodine.
- k. Clonitazene.
- l. Dextromoramide.
- m. Difenoxy.
- n. Diampromide.
- o. Diethylthiambutene.
- p. Dimenoxadol.
- q. Dimepseptanol.
- r. Dimethylthiambutene.
- s. Dioxaphetyl butyrate.
- t. Dipipanone.
- u. Ethylmethylthiambutene.
- v. Etonitazene.
- w. Etoxadine.
- x. Furethidine.
- y. Hydroxypethidine.
- z. Ketobemidone.
- aa. Levomoramide.
- ab. Levophenacetylmorphan.
- ac. Morpheridine.
- ad. Noracymethadol.
- ae. Norlevorphanol.
- af. Normethadone.
- ag. Norpipanone.
- ah. Phenadoxone.
- ai. Phenampromide.
- aj. Phenomorphan.
- ak. Phenoperidine.
- al. Piritramide.
- am. Proheptazine.
- an. Propoperidine.
- ao. Racemoramide.
- ap. Trimeperidine.
- aq. Propiram.

3. Any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, iso-

mers and salts of isomers is possible within the specific chemical designation:

- a. Acetorphine.
- b. Acetyldihydrocodeine.
- c. Benzylmorphine.
- d. Codeine methylbromide.
- e. Codeine-N-Oxide.
- f. Cyprenorphine.
- g. Desomorphine.
- h. Dihydromorphine.
- i. Etorphine.
- j. Heroin.
- k. Hydromorphanol.
- l. Methyldesorphine.
- m. Methyldihydromorphine.
- n. Morphine methylbromide.
- o. Morphine methylsulfonate.
- p. Morphine-N-Oxide.
- q. Myrophine.
- r. Nicocodeine.
- s. Nicomorphine.
- t. Normorphine.
- u. Phocloidine.
- v. Thebacon.
- w. Drotebanol.

4. Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

- a. 3,4-methylenedioxy amphetamine.
- b. 5-methoxy-3,4-methylenedioxy amphetamine.
- c. 3, 4, 5-trimethoxy amphetamine.
- d. Bufotenine.
- e. Diethyltryptamine.
- f. Dimethyltryptamine.
- g. 4-methyl-2, 5-dimethoxy amphetamine.\*
- h. Ibogaine.
- i. Lysergic acid diethylamide.
- j. Marijuana, except as otherwise provided by rules of the board of pharmacy examiners for medicinal purposes.
- k. Mescaline.
- l. Peyote, except as otherwise provided in subsection 5 of this section.
- m. N-ethyl-3-piperidyl benzilate.
- n. N-methyl-3-piperidyl benzilate.
- o. Psilocybin.
- p. Psilocyn.
- q. Tetrahydrocannabinols, except as otherwise provided by rules of the board of pharmacy examiners for medicinal purposes.
- r. Thio phencyclidine (1-(1-(2-thienyl)cyclohexyl) piperidine).
- s. 2,5—dimethoxyamphetamine.
- t. 4—Bromo—2,5 dimethoxyamphetamine.
- u. 4—methoxyamphetamine.
- v. Ethylamine analogue of phencyclidine.
- w. Pyrrolidine analogue of phencyclidine.
- x. Thiophene analogue of phencyclidine.

5. Unless specifically exempted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the

central nervous system, their salts, isomers, and salts of isomers, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

- a. Mecloqualone.
- b. Reserved.

6. This section does not apply to marijuana, tetrahydrocannabinols or chemical derivatives of tetrahydrocannabinol when utilized for medicinal purposes pursuant to rules of the state board of pharmacy examiners.

7. Nothing in this chapter shall apply to peyote when used in bona fide religious ceremonies of the Native American Church; however, persons supplying the product to the church shall register, maintain appropriate records of receipts and disbursements of peyote, and otherwise comply with all applicable requirements of this chapter and rules adopted pursuant thereto. [C73, 75, 77, 79, §204.204; 68GA, ch 9, §12, 13, ch 51, §1-5]

Referred to in §204.201(1), 204.202, 204.303

\*According to enrolled Act

#### 204.205 Substances listed in schedule II—criteria.

The board shall recommend to the general assembly that it place in schedule II any substance not already included therein if the board finds that:

1. The substance has high potential for abuse;
2. The substance has currently accepted medical use in treatment in the United States, or currently accepted medical use with severe restrictions; and
3. Abuse of the substance may lead to severe psychic or physical dependence.

If the board finds that any substance included in schedule II does not meet these criteria, it shall recommend that the general assembly place the substance in a different schedule or remove it from the list of controlled substances, as appropriate. [C73, 75, 77, 79, §204.205]

#### 204.206 Schedule II—substances included.

1. The controlled substances listed in this section are included in schedule II.

2. Narcotic drugs as defined in this chapter, except those narcotic drugs listed in other schedules.

3. Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

- a. Alphaprodine.
- b. Anileridine.
- c. Bezitramide.
- d. Dihydrocodeine.
- e. Diphenoxylate.
- f. Fentanyl.
- g. Isomethadone.
- h. Levomethorphan.
- i. Levorphanol.
- j. Metazocine.
- k. Methadone.
- l. Methadone-Intermediate, 4-cyano-2-dimethyl-amino-4,4-diphenyl butane.
- m. Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenyl-propane-carboxylic acid.

- n. Pethidine.
- o. Pethidine - Intermediate - A, 4-cyano-1-methyl-4-phenylpiperidine.
- p. Pethidine - Intermediate - B, ethyl-4-phenylpiperidine-4-carboxylate.
- q. Pethidine - Intermediate - C, 1-methyl-4-phenylpiperidine-4-carboxylic acid.
- r. Phenazocine.
- s. Piminodine.
- t. Racemethorphan.
- u. Racemorphan.

4. Unless specifically excepted or unless listed in another schedule, any injectable liquid which contains any quantity of methamphetamine, including its salts, isomers, and salts of isomers.

5. Unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:

- a. Amphetamine, its salts, optical isomers, and salts of its optical isomers.
- b. Methamphetamine, its salts, and salts of its isomers.
- c. Phenmetrazine and its salts.
- d. Methylphenidate and its salts.
6. Cocaine and its salts.

7. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- a. Methaqualone.
- b. Amobarbital.
- c. Secobarbital.
- d. Pentobarbital.
- e. Phencyclidine, and the following immediate precursors of phencyclidine:

- (1) 1 - Phenylcyclohexylamine.
- (2) 1 - Piperidinocyclohexanecarbonitrile (PCC).

8. Marijuana, tetrahydrocannabinol and chemical derivatives of tetrahydrocannabinol shall be deemed to be schedule II substances, but only when used for medicinal purposes pursuant to rules of the board of pharmacy examiners. [C73, 75, 77, 79, §204.206; 68GA, ch 9, §14, ch 51, §6, ch 1015, §25, 26]

Referred to in §204.201(1), 204.202, 204.303, 246.33, 246.39, 246.43

#### 204.207 Substances listed in schedule III—criteria.

The board shall recommend to the general assembly that it place in schedule III any substance not already included therein if the board finds that:

1. The substance has a potential for abuse less than the substances listed in schedules I and II;
2. The substance has currently accepted medical use in treatment in the United States; and
3. Abuse of the substance may lead to moderate or low physical dependence or high psychological dependence.

If the board finds that any substance included in schedule III does not meet these criteria, it shall recommend that the general assembly place the substance in a different schedule or remove it from the