

JAN 1 1 2005
PUBLIC SAFETY

HOUSE FILE 32
BY SHOULTZ

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing for regulation of substances which are
2 precursors to amphetamine and methamphetamine and providing a
3 penalty.

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

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HF 32

1 Section 1. Section 124.212, subsection 4, Code 2005, is
2 amended by striking the subsection and inserting in lieu
3 thereof the following:

4 4. PRECURSORS TO AMPHETAMINE AND METHAMPHETAMINE. Unless
5 specifically excepted or listed in another schedule, any
6 material, compound, mixture, or preparation which contains any
7 quantity of the following precursors to amphetamine or
8 methamphetamine, including their salts, optical isomers, and
9 salts of their optical isomers:

- 10 a. Ephedrine.
- 11 b. Phenylpropanolamine.
- 12 c. Pseudoephedrine.

13 Sec. 2. Section 602.8105, subsection 4, Code 2005, is
14 amended by striking the subsection.

15 Sec. 3. Section 805.8C, subsection 6, Code 2005, is
16 amended by striking the subsection.

17 Sec. 4. Sections 126.23A and 714.7C, Code 2005, are
18 repealed.

19 EXPLANATION

20 This bill makes precursor substances to amphetamine and
21 methamphetamine schedule V controlled substances.

22 The bill makes any product containing ephedrine,
23 phenylpropanolamine, or pseudoephedrine, a schedule V
24 controlled substance. This provision would include any
25 dietary supplement containing naturally occurring ephedrine.

26 Iowa administrative code rule 657-10.31 establishes the
27 rules for dispensing a schedule V controlled substance. The
28 rule limits the amount and frequency of purchase, requires the
29 purchaser be at least 18 years of age, and requires
30 presentation of identification and a signature before
31 purchase. A schedule V controlled substance does not require
32 a prescription, but is not to be distributed other than for a
33 medical purpose. The distribution of a schedule V substance
34 is regulated by pharmacists, and schedule V substances must be
35 kept off public access shelves.

1 Any criminal offense related to a schedule V controlled
2 substance is punishable as an aggravated misdemeanor pursuant
3 to Code section 124.401(1)(d).

4 Code sections 126.23A, relating to restrictions on the sale
5 and purchase of pseudoephedrine products, and 714.7C,
6 providing an enhanced penalty for the theft of a
7 pseudoephedrine product, are repealed because all
8 pseudoephedrine products will no longer be sold over the
9 counter on a retail basis under the bill.

10 Current law does not regulate dietary supplements
11 containing naturally occurring ephedrine, some products
12 containing ephedrine, and all products containing
13 phenylpropanolamine. Current law does limit the sale and
14 purchase of some pseudoephedrine products to two packages per
15 transaction at a retail establishment.

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