

## 2007 IOWA CODE CHAPTER 124B PRECURSOR SUBSTANCES

*This chapter not enacted as a part of this  
title; transferred from chapter 204B in Code 1993*

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### **124B.1 Definitions.**

As used in this chapter, unless the context otherwise requires:

1. *"Board"* means the board of pharmacy examiners.
  2. *"Controlled substance"* means a controlled substance as defined in section 124.101.
  3. *"Practitioner"* means a practitioner as defined in section 155A.3.
  4. *"Precursor substance"* means a substance which may be used as a precursor in the illegal production of a controlled substance and is specified under section 124B.2.
  5. *"Recipient"* means a person in this state who purchases, transfers, or otherwise receives a precursor substance.
  6. *"Vendor"* means a person who manufactures, wholesales, retails, or otherwise sells, transfers, or furnishes in this state a precursor substance.
- 90 Acts, ch 1251, §10; C91, §204B.1; C93, §124B.1*

### **124B.2 Reporting required.**

1. Effective July 1, 1990, a report to the board shall be submitted in accordance with this chapter by a manufacturer, retailer, or other person who sells, transfers, or otherwise furnishes to any person in this state any of the following substances:
  - a. Anthranilic acid, its esters, and its salts.
  - b. Benzyl cyanide.
  - c. Ethylamine and its salts.
  - d. Ergonovine and its salts.
  - e. Ergotamine and its salts.
  - f. 3,4 - methylenedioxyphenyl-2-propanone.
  - g. N-acetylanthranilic acid, its esters, and its salts.
  - h. Norpseudoephedrine, its salts, optical isomers, and salts of optical isomers.
  - i. Phenylacetic acid, its esters, and its salts.
  - j. Phenylpropanolamine, its salts, optical isomers, and salts of optical isomers.
  - k. Piperidine and its salts.
  - l. Pseudoephedrine, its salts, optical isomers, and salts of optical isomers.
  - m. Methylamine and its salts.

- n. Propionic anhydride.
  - o. Isosafrole.
  - p. Safrole.
  - q. Piperonal.
  - r. N-methylephedrine, its salts, optical isomers, and salts of optical isomers.
  - s. N-methylpseudoephedrine, its salts, optical isomers, and salts of optical isomers.
  - t. Hydriodic acid.
  - u. Benzaldehyde.
  - v. Nitroethane.
  - w. Gamma-Butyrolactone (also known as GBL; Dihydro-2(3H)-furanone; 1,2-Butanolide; 1,4-Butanolide; 4-Hydroxybutanoic acid lactone; or gamma-hydroxy-butyric acid lactone).
  - x. Red phosphorus.
  - y. White phosphorus (another name: yellow phosphorus).
  - z. Hypophosphorous acid and its salts (including ammonium hypophosphite, calcium hypophosphite, iron hypophosphite, potassium hypophosphite, manganese hypophosphite, magnesium hypophosphite, and sodium hypophosphite).
2. The board shall administer the regulatory provisions of this chapter and may, by rule adopted pursuant to chapter 17A, add a substance to or remove a substance from the list in subsection 1. In determining whether to add or remove a substance from the list, the board shall consider the following:

- a. The likelihood that the substance may be used as a precursor in the illegal production of a controlled substance.
  - b. The availability of the substance.
  - c. The appropriateness of including the substance under this chapter or under chapter 124.
  - d. The extent and nature of legitimate uses for the substance.
3. On or before November 1 of each year, the board shall inform the general assembly of any substances added, deleted, or changed in the list contained in this section and shall provide an explanation of any addition, deletion, or change.

*90 Acts, ch 1251, §11; C91, §204B.2; C93, §124B.2; 2000 Acts, ch 1140, §17, 18; 2002 Acts, ch. 1108, §2, 3; 2003 Acts, ch. 53, §10*

**124B.3 Identification required.**

1. Before selling, transferring, or otherwise furnishing any substance specified in section 124B.2 to a person in this state, a vendor shall require proper identification from the purchaser.
2. For the purposes of this section, in the case of a face-to-face purchase, "*proper identification*" means all of the following:
- a. A driver's license containing the purchaser's photograph and residential or mailing address, other than a post office box number, or any other official state-issued identification containing this information.
  - b. The motor vehicle license number of the vehicle owned or operated by the purchaser.
  - c. A letter of authorization from the person who is making the purchase. The letter shall include the person's business license number and business address, a description as to how the substance will be used, and the purchaser's signature. The vendor shall affix the vendor's signature as a witness to the signature and identification of the purchaser.
3. The board shall provide by rule for the form of proper identification required for purchases which are not face to face.
4. A person who violates this section or rules adopted pursuant to this section commits a simple misdemeanor.

*90 Acts, ch 1251, §12; C91, §204B.3; 92 Acts, ch 1175, §27; C93, §124B.3; 98 Acts, ch 1073, §9*

#### **124B.4 Vendor reporting.**

1. At least twenty-one days prior to the delivery of a precursor substance to a recipient, the vendor shall submit a report of the transaction to the board. The report must contain the identification information specified under section 124B.3. However, if regular, repeated transactions of a particular precursor substance occur between the vendor and the recipient, the board may authorize the vendor to report the transactions monthly if either of the following conditions exists:

*a.* A pattern of regular supply of the precursor substance exists between the vendor and the recipient.

*b.* The recipient has established a record of lawfully using the precursor substance.

2. A vendor who does not submit a report pursuant to this section commits a serious misdemeanor.

*90 Acts, ch 1251, §13; C91, §204B.4; C93, §124B.4*

#### **124B.5 Receipt of substance from outside the state -- penalty.**

1. A vendor, recipient, or other person required to report pursuant to this chapter who receives a precursor substance from a source outside the state shall submit a report to the board pursuant to rules adopted by the board.

2. A person who does not submit a report required under this section commits a serious misdemeanor.

*90 Acts, ch 1251, §14; C91, §204B.5; C93, §124B.5*

#### **124B.6 Exceptions.**

The requirements of sections 124B.2 through 124B.5 do not apply to any of the following:

1. A licensed pharmacist or other person authorized under chapter 155A to sell or furnish a precursor substance upon the prescription of a practitioner.

2. A practitioner who administers or furnishes a precursor substance to a patient.

3. A vendor who holds a permit issued by the board and who sells, transfers, or otherwise furnishes a precursor substance to a practitioner or a pharmacy as defined in section 155A.3.

4. A sale, transfer, furnishing, or receipt of a drug containing ephedrine, phenylpropanolamine, or pseudoephedrine or of a cosmetic containing a precursor substance if the drug or cosmetic is lawfully sold, transferred, or furnished over the counter without a prescription in accordance with chapter 126.

*90 Acts, ch 1251, §15; C91, §204B.6; C93, §124B.6*

#### **124B.7 Reporting form.**

1. The board shall adopt rules prescribing a common form for the filing of reports required under this chapter. The rules shall provide that the information which must be submitted shall include but is not limited to all of the following:

*a.* The name of the precursor substance.

*b.* The quantity of the precursor substance sold, transferred, or furnished.

*c.* The date the precursor substance was sold, transferred, or furnished.

*d.* The name and address of the recipient.

*e.* The name and address of the vendor.

2. Reports authorized under subsection 1 may be computer-generated and submitted monthly in accordance with rules adopted by the board.

*90 Acts, ch 1251, §16; C91, §204B.7; C93, §124B.7*

#### **124B.8 Missing quantity -- reporting.**

A person who is required to report to the board pursuant to this chapter or a person listed as an exception under section 124B.6 shall report to the board either of the following occurrences

within seven days of knowledge of the loss or occurrence:

1. Loss or theft of a precursor substance.
2. A difference between the amount of a precursor substance shipped and the amount of a precursor substance received. If applicable, the report shall include the name of the person who transported the precursor substance and the date of shipment.

*90 Acts, ch 1251, §17; C91, §204B.8; C93, §124B.8*

**124B.9 Sale, transfer, furnishing, or receipt for unlawful purpose -- penalty.**

1. A person who sells, transfers, or otherwise furnishes a precursor substance with knowledge or the intent that the recipient will use the precursor substance to unlawfully manufacture a controlled substance commits a class "C" felony.

2. A person who receives a precursor substance with the intent that the substance be used unlawfully to manufacture a controlled substance commits a class "C" felony.

*90 Acts, ch 1251, §18; C91, §204B.9; C93, §124B.9; 2004 Acts, ch. 1057, §2*

*See §124.401*

**124B.10 False statement -- penalty.**

A person who knowingly makes a false statement in connection with any report or record required to be made under this chapter commits an aggravated misdemeanor.

*90 Acts, ch 1251, §19; C91, §204B.10; C93, §124B.10*

**124B.11 Permit requirements -- penalty.**

1. A vendor or a recipient who receives a precursor substance from a source outside the state shall obtain a permit for the transaction from the board. However, a permit is not required of a vendor of a drug containing ephedrine, phenylpropanolamine, or pseudoephedrine or of a cosmetic that contains a precursor substance if the drug or cosmetic is lawfully sold, transferred, or furnished either over the counter without a prescription in accordance with chapter 126 or with a prescription pursuant to chapter 155A.

2. An application for a permit shall be filed in writing and signed by the applicant, and shall set forth the name of the applicant, the business in which the applicant is engaged, the business address of the applicant, and a full description of any precursor substance sold, transferred, or otherwise furnished or received.

3. The board may grant a permit on a form adopted by rule. A permit shall be effective for not more than one year from the date of issuance.

4. An applicant shall pay, at the time of filing an application, a permit fee determined by the board.

5. A permit granted under this chapter may be annually renewed on a date to be determined by the board pursuant to rule, upon the filing of a renewal application and the payment of a permit renewal fee.

6. Permit fees charged by the board shall not exceed the costs incurred by the board in administering this chapter.

7. Selling, transferring, or otherwise furnishing, or receiving a precursor substance without a permit obtained pursuant to this section is a serious misdemeanor.

*90 Acts, ch 1251, §20; C91, §204B.11; C93, §124B.11*

**124B.12 Permit -- refusal, suspension, or revocation.**

The board shall refuse, suspend, or revoke a permit upon finding that any of the following conditions exist:

1. The permit was obtained through fraud, misrepresentation, or deceit.
2. The permittee has violated or has permitted any employee of the permittee to violate any of the laws of this state relating to drugs, controlled substances, cosmetics, or nonprescription

drugs, or has violated this chapter, a rule adopted pursuant to this chapter, or any other rule of the board.

*90 Acts, ch 1251, §21; C91, §204B.12; C93, §124B.12*