

any scale bearing the inspection card, issued by the department, shall not be required to be reweighed by any ordinance of any city or town or city under special charter or under the commission form of government, nor shall their sale, at the weights so ascertained, and because thereof, be, by such ordinance, prohibited or restricted.

Approved April 26, 1924.

CHAPTER 166

DRUGS, POISONS AND NARCOTICS

H. F. 261-A

AN ACT to amend, revise, and codify sections fourteen hundred twenty-four (1424), fourteen hundred twenty-seven (1427) to fourteen hundred twenty-nine (1429), inclusive, eighty-eight hundred fifty-two (8852), eighty-eight hundred sixty-four (8864), eighty-eight hundred sixty-five (8865), and chapter fifteen (15) of title six (6) of the compiled code of Iowa; and sections fourteen hundred thirty (1430), fourteen hundred thirty-a one (1430-al), fourteen hundred thirty-one (1431), fourteen hundred thirty-two (1432), and chapter fourteen-a (14-a) of title six (6) of the supplement to the compiled code of Iowa, relating to drugs, poisons, narcotics, and abortifacients.

Be It Enacted by the General Assembly of the State of Iowa:

That sections fourteen hundred twenty-four (1424), fourteen hundred twenty-seven (1427) to fourteen hundred twenty-nine (1429) inclusive, eighty-eight hundred fifty-two (8852), eighty-eight hundred sixty-four (8864) eighty-eight hundred sixty-five (8865), and chapter fifteen (15) of title six (6) of the compiled Code of Iowa; and sections fourteen hundred thirty (1430), fourteen hundred thirty a one (1430-al), fourteen hundred thirty-one (1431), fourteen hundred thirty-two (1432), and chapter fourteen-a (14-a) of title six (6) of the supplement to the compiled Code of Iowa, are amended, revised, and codified to read as follows:

CHAPTER 9

ADULTERATION AND LABELING OF DRUGS

Section 115. Drug defined. For the purposes of this chapter "drug" shall include all substances and preparations for internal or external use recognized in the United States Pharmacopoeia or National Formulary and any substances or mixture of substances intended to be used for the cure, mitigation, or prevention of diseases of either man or animal.

Sec. 116. Adulteration defined. For the purposes of this chapter a drug shall be deemed to be adulterated:

1. If it is sold by a name recognized in the United States Pharmacopoeia or National Formulary and it differs from the standard of strength, quality, or purity as determined by the test laid down therein.

2. If its strength, quality, or purity falls below the standard under which sold.

Sec. 117. Labeling of drugs. Every drug offered or exposed for sale, or sold in package or wrapped form, shall be labeled on the package or container as prescribed in sections nine (9) and ten (10) of House File 261, special session, Fortieth General Assembly, except that the quantity of the contents

need not be stated; and in addition thereto shall have printed on the label the name and the exact quantity or proportion of any alcohol, morphine, opium, heroin, chloroform, cannabis indica, chloral hydrate, acetanilide, or any derivative or preparation of any such substances contained in said drug. In case the principal package or container is enclosed in an outside wrapper or carton, the same label prescribed by this section for the package or container shall also be printed upon said wrapper or carton.

Sec. 118. Curative or therapeutic mislabeling. In addition to the requirements of the preceding section a drug shall also be deemed to be improperly labeled if the package or container or printed matter accompanying it bears or contains any representation regarding the curative or therapeutic effect of such drug or any of the ingredients contained therein which is false and fraudulent.

Sec. 119. Certain drugs exempted. Nothing in the second preceding section shall be construed to apply:

1. To any drug specified in the United States Pharmacopoeia or National Formulary, which is in accordance therewith, and which is sold under the name given therein.
2. To the filling of prescriptions furnished by licensed physicians, dentists, or veterinarians, the originals of which are retained and filed by the pharmacist filling the same.
3. To any drug or medicine personally dispensed by any licensed physician, dentist, or veterinarian in the course of his practice.

Sec. 119-a1. Itinerant vendor of drugs defined. "Itinerant vendor of drugs" shall mean any person who, by himself, agent, or employee goes from place to place, or from house to house, and sells, offers or exposes for sale any drug as defined in this chapter.

Sec. 119-a2. License required of itinerant vendor of drugs - fee. Every itinerant vendor of drugs or medicines shall procure an annual license from the Pharmacy Examiners. The fee for such license shall be one hundred dollars (\$100.00) but such license may be transferred by the licensee upon the payment of a fee of one dollar (\$1.00) to the Pharmacy Examiners.

Sec. 120. Copy of Pharmacopoeia and National Formulary to be kept. There shall be kept in every place in which drugs or medicines are compounded, a copy of the latest revision of the United States Pharmacopoeia and the National Formulary, which books shall be subject at all times to the inspection of the Pharmacy Examiners.

CHAPTER 10

SALE AND DISTRIBUTION OF POISONS

Sec. 120-a1. Narcotic drugs defined. For the purpose of this chapter "narcotic drugs" shall mean:

1. Opium, coca (erthroxyllum coca), cocaine, alpha or beta eucaine, morphine, heroin, Indian hemp (cannabis indica or cannabis americana), or any derivative of any of said drugs.
2. Any preparation containing any of the drugs enumerated in the preceding paragraph, except:
 - (a) Medicines or remedies which do not contain more than:
 - (1) Two (2) grains of opium, one-fourth (1/4) of a grain of morphine, one eighth (1/8) of a grain of

heroin, one (1) grain of codeine, or a like amount of any salt or derivative of any of said drugs, in one (1) fluid ounce, or if a solid or semi-solid preparation, in one (1) avoirdupois ounce.

(2) One-half (1/2) grain solid extract of Indian hemp (*cannabis indica* or *cannabis americana*), or the equivalent thereof, in one (1) fluid ounce.

(b) Liniments, ointments, or other preparations which are prepared for external use only, but which do not contain cocaine, alpha or beta eucaine, or any salt or derivative of any of them, or any synthetic substitute for any of said drugs.

The exceptions provided in subdivisions "(a)" and "(b)" shall only apply when such medicines, remedies, liniments, ointments, and preparations are sold, distributed, given away, dispensed, or possessed for medicinal purposes only and not for the purpose of trafficking in or disposing of narcotic drugs as such.

Sec. 120-a3. Sale of narcotics prohibited. No person shall sell, offer or expose for sale, deliver, give away, or have in his possession with intent to sell any narcotic drugs.

Sec. 120-a3. Exception as to sales of narcotics. The preceding section shall not apply to persons registered or exempt from registration under the federal law regulating the traffic in narcotic drugs.

Sec. 120-a4. Possession of narcotic prohibited - prescriptions. No person shall have any narcotic drug in his possession or control for any purpose, unless he obtained the same upon the original written prescription of a licensed physician, dentist, or veterinarian, who has registered under the federal law regulating the traffic in narcotic drugs.

Sec. 120-a5. Exception as to possession of narcotics. The preceding section shall not apply to:

1. Any person registered under the federal law regulating the traffic in narcotic drugs who is engaged in practicing any profession, in conducting any business, or in doing any act in compliance with said law, nor to any employee or assistant under the supervision of such person, having the possession or control of any narcotic drugs by virtue of his employment and not on his own account.

2. To any United States, state, city, county, or municipal official who has possession of any of said drugs by reason of his official duties.

3. To a warehouseman holding possession for a person registered under said federal law.

4. To a common carrier engaged in transporting such drugs.

Sec. 120-a6. Indictments - burdens of proof. It shall not be necessary to negative any of the aforesaid exemptions under any complaint, information, indictment, or other writ or proceeding, brought under this chapter; and the burden of proof of any such exemption shall be on the defendant.

Sec. 120-a7. Limitation on exemptions. The exemptions of the second preceding section shall not apply to any person unless it be shown by competent evidence that such person has not purchased or received any narcotic drugs from a person unauthorized to sell the same.

Sec. 120-a8. Prima facie evidence of illegal purchase. The possession

of any narcotic drugs unaccounted for by the legal authority to purchase and have possession of the same, or having possession of any such drugs concealed or stored in any other place than that provided for the storage of a stock of such drugs which have been purchased legally, shall be prima facie evidence of the purchase of such drugs from a person unauthorized to sell or dispense the same.

Sec. 120-a9. Seizure and confiscation of narcotics. Any narcotic drugs kept, manufactured, or dispensed in violation of the laws of the United States or of this chapter, or any instrument, container, or other equipment used or intended to be used in manufacturing, keeping, or dispensing such drug may be seized, confiscated, and disposed of under a search warrant proceeding.

Sec. 120-a10. Procedure. The procedure under the preceding section shall be the same as a search warrant proceeding under the law regulating the traffic in intoxicating liquor and all the provisions of chapter _____, title _____ of the Code, shall govern such a proceeding under this chapter as far as applicable. (The code editor shall fill in the preceding blanks with the proper references when the permanent Code is prepared for publication.)

Sec. 120-a11. Seizure and confiscation of vehicles. Any animal-drawn or motor vehicle, or other conveyance of any kind, that is being used for transporting narcotic drugs which have been manufactured, sold, purchased, delivered, or received in violation of the laws of the United States or of this chapter, may be seized and confiscated by any peace officer in any county in which such shipment originates, or through which it passes, or in the county in which it is to be delivered.

Sec. 120-a12. Procedure. The procedure under the preceding section shall be the same as a proceeding for the seizure and forfeiture of a vehicle under the law regulating the traffic in intoxicating liquor and all the provisions of chapter _____, title _____, of the Code, shall govern such a proceeding under this chapter as far as applicable. (The code editor shall fill in the preceding blanks with the proper references when the permanent Code is prepared for publication.)

Sec. 120-a13. Common nuisance, injunction. Any building, erection, or place resorted to by habitual users of narcotic drugs for the purpose of using such drugs, or which is used for the illegal keeping of the same, and any building, erection, or place in which narcotic drugs are kept, sold, or dispensed, in violation of the laws of the United States or of this state, shall be deemed a common nuisance, and it may be enjoined and abated under the law provided for enjoining and abating an intoxicating liquor nuisance and all the provisions of chapter _____, title _____, of the Code, shall govern such a proceeding under this chapter as far as applicable. (The code editor shall fill in the preceding blanks with the proper references when the permanent Code is prepared for publication.)

Sec. 120-a14. Evidence - general reputation. The state, in any proceeding under the preceding section, may, for the purpose of establishing the character of the place kept by the defendant, introduce evidence of the general reputation of such place, and such evidence shall be competent for such purpose.

Sec. 120-a15. Contempt proceedings. For the violation of any such injunction, temporary or permanent, the offender may be punished for contempt of court, under the laws provided for the punishment of contempt for the violation

of an injunction against an intoxicating liquor nuisance and all the provisions of said law shall govern such a proceeding under this chapter as far as applicable.

Sec. 120-a16. Forms. All forms necessary for use under the preceding sections of this chapter shall be prepared and provided by the attorney general.

Sec. 120-a17. Rules of construction. All the preceding provisions of this chapter shall be construed as mandatory and not directory, and the same shall be construed so as to prevent evasion.

Sec. 120-a18. Penalty. Any person violating any of the preceding provisions of this chapter shall be punished by imprisonment in the penitentiary for not more than ten (10) years, or by a fine not to exceed one thousand dollars (\$1,000.00) or by both such fine and imprisonment.

Sec. 120-a19. Penalty for corporation. Any company or corporation violating any of the preceding provisions of this chapter shall be fined not more than five thousand dollars (\$5,000.00) nor less than five hundred dollars (\$500.00), and the costs of prosecution.

Sec. 120-a20. Sale of abortifacients prohibited - prescriptions. No person shall sell, offer or expose for sale, deliver, give away, or have in his possession with the intent to sell, except upon the original written prescription of a licensed physician, dentist, or veterinarian, any cotton root, ergot, oil of tansy, oil of savin, or derivatives of any of said drugs.

Sec. 120-a21. Exception as to sale of abortifacients. The requirements of the preceding section that certain drugs shall be furnished only upon written prescription, shall not apply to the sale of such drugs to persons who wholesale or retail the same, nor to any licensed physician, dentist, or veterinarian for use in the practice of his profession.

Sec. 120-a22. Conditions under which prescriptions may be filled. No person shall fill any prescription calling for any of the drugs required by this chapter to be furnished only upon written prescription unless the same be for medical, dental, or veterinary purposes only, and unless the physician, dentist, or veterinarian prescribing the same be personally known to such person, and no such prescription shall be refilled.

Sec. 120-a23. Drugs not to contain wood or denatured alcohol. No person shall have in his possession or dispose of in any manner any article intended for use of man or domestic animals, for internal or external use, for cosmetic purposes, for inhalation, or for perfumes, which contains methyl (wood) alcohol, crude or refined, or completely denatured alcohol. Nothing in this section shall be construed to apply to specially denatured alcohols the formula of which has been approved and the manufacture and use regulated by the federal government.

Sec. 120-a24. Regulations as to sale of certain poisons. No person shall sell at retail any of the following enumerated poisons unless he ascertains that the purchaser is aware of the character of the drug and represents that it is to be used for a proper purpose: Carbolic or hydrocyanic acid, chloral hydrate, oils of bitter almonds or pennyroyal, strychnine or any of its salts, arsenic, chloroform, ammoniated mercury, atropine, arsenate of copper, aconitine, benzaldehyde, bromins, cyanide of potassium, corrosive sublimate, dionin, ether, sulphuric, hyoscine, kermes mineral, cantharides, croton oil, digitalis, nuxvomica, phosphorus, or veratrum.

Sec. 120-a25. Poison register. Every sale or delivery of any poison

enumerated in the preceding section, except in insecticides and fungicides as defined in the following chapter, shall be entered in a book kept for that purpose to be known as a "poison register", and the same shall show the date of sale, and name and address of purchaser, the name of the poison, the purpose for which it was represented to be purchased, and the name of the dispenser, which book shall be open for inspection by the Pharmacy Examiners, or any magistrate or peace officer of the state, and preserved for at least five (5) years.

Sec. 120-a26. Labeling poisons. Every package or container in which any of the poisons enumerated in the second preceding section or in which any nitric, hydrochloric, sulphuric, or oxalic acid, concentrated lye, denatured or wood alcohol is sold or delivered shall be labeled with the name of the article, the name and plate of business of the manufacturer, distributor, or dealer, the most available antidote, and with the word "poison" in a conspicuous place.

Sec. 120-a27. Certain sales exempted. Nothing in the three (3) preceding sections shall apply:

1. To the sale of proprietary medicines.
2. To the filling of prescriptions from licensed physicians, dentists, or veterinarians.
3. To the sale of wood or completely denatured alcohol for mechanical purposes.

Sec. 120-a28. Obtaining poisons by false representations. Any person who obtains any poison enumerated in the fourth preceding section under a false name or statement shall be guilty of a misdemeanor and punished as provided in chapter one (1) of this title.

Sec. 120-a29. Enforcement by Pharmacy Examiners. The provisions of this and the preceding chapter shall be administered and enforced by the Pharmacy Examiners. In discharging any duty or exercising any power under said chapters, the Pharmacy Examiners shall be governed by all the provisions of chapter (1), House File 261, special session of the Fortieth General Assembly, which governs the department of agriculture when discharging a similar duty or exercising a similar power with reference to any of the articles dealt with in said House File.

Sec. 120-a29a. Chemical analysis of drugs. Any chemical analysis deemed necessary by the Pharmacy Examiners in the enforcement of this and the preceding chapter shall be made by the department of agriculture when requested by said examiners.

Sec. 120-a30. Applicability of other statutes. In so far as applicable the provisions of chapter one (1), House File 261, special session of the Fortieth General Assembly, shall apply to the articles dealt with in this and the preceding chapter. The powers vested in the department of agriculture by chapter one (1) of said House File 261 shall be deemed for the purpose of this and the preceding chapter to be vested in the Pharmacy Examiners.

Sec. 120-a31. Direction to code editor. In preparing the new Code for publication the code editor shall place this and the preceding chapter as chapters 9 and 10 of the title dealing with the "Regulation and Inspection of Foods, Drugs, and other Articles", known as House File 261, special session of the Fortieth General Assembly.

Approved April 1, 1924.