

11 "Resident Osteopathic Physician and Surgeon License", and shall  
 12 authorize the licensee to serve as a resident only, under the super-  
 13 vision of a licensed practitioner of osteopathic medicine and surgery,  
 14 in an institution approved for this purpose by the medical examiners.  
 15 Such license shall be valid for one year and may be annually renewed  
 16 at the discretion of the medical examiners for a period not to exceed  
 17 six additional years. The fee for this license shall be \$15.00, and if  
 18 extended beyond one year, an annual renewal fee of \$3.00 per year  
 19 shall be required. The medical examiners shall determine in each  
 20 instance those eligible for this license, whether or not examinations  
 21 shall be given, and the type of examinations. No requirements of the  
 22 law pertaining to regular permanent licensure shall be mandatory for  
 23 this resident licensure except as specifically designated by the medical  
 24 examiners. The granting of a resident osteopathic physician and sur-  
 25 geon's license does not in any way indicate that the person so licensed  
 26 is necessarily eligible for regular licensure, nor are the medical exam-  
 27 iners in any way obligated to so license such individual. The medical  
 28 examiners shall revoke said license at any time they shall determine  
 29 either that the caliber of work done by the licensee or the type of  
 30 supervision being given such licensee does not conform to reasonable  
 31 standards established by the medical examiners."

Approved April 16, 1965.

## CHAPTER 169

### DRUGS AND MEDICINES

S. F. 285

AN ACT relating to drugs and medicines.

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

- 1 SECTION 1. Section one hundred fifty-five point three (155.3),  
 2 Code 1962, is hereby amended by adding the following subsections:  
 3 1. "'Prescription' means a written order or an oral order later  
 4 reduced to writing by a practitioner for a drug or medicine for a par-  
 5 ticular patient with the specific date of issue, the name and address of  
 6 the practitioner, the name and address of the patient, the name and  
 7 quantity of the drug or medicine prescribed, directions for use of the  
 8 drug or medicine, and in case of a written order the signature of the  
 9 practitioner."  
 10 2. "'Prescription drug' means (a) any drug or medicine the label  
 11 of which is required by federal law to bear the statement: 'Caution:  
 12 federal law prohibits dispensing without a prescription', (b) any drug  
 13 or medicine which, because of its toxicity or other potentiality for  
 14 harmful effect, or the method of its use, or the collateral measures  
 15 necessary to its use, is not safe for use except under the supervision  
 16 of a practitioner licensed by law to prescribe, administer, or dispense  
 17 such drug or medicine, or (c) a new drug or medicine which is limited  
 18 under state law to use under the professional supervision of a practi-

19 tioner licensed by law to prescribe, administer, or dispense such drug  
20 or medicine.

1 SEC. 2. Section one hundred fifty-five point three (155.3), Code  
2 1962, is further amended by striking lines twenty-nine (29) through  
3 thirty-two (32) of subsection seven (7) of such section and inserting  
4 in lieu thereof the words "to any prescription drug."

1 SEC. 3. Section one hundred fifty-five point twenty (155.20), Code  
2 1962, is hereby amended as follows:

3 1. By striking lines two (2) through six (6) and inserting in lieu  
4 thereof the words "prescription drug".

5 2. By striking from lines ten (10) and eleven (11) the words "pre-  
6 scription-legend drug or medicine" and inserting in lieu thereof the  
7 words "prescription drug".

1 SEC. 4. Section one hundred fifty-five point twenty-one (155.21),  
2 Code 1962, is hereby amended by striking lines four (4) through eight  
3 (8) and inserting in lieu thereof the words "any prescription drug to  
4 any re -".

1 SEC. 5. Section one hundred fifty-five point twenty-six (155.26),  
2 Code 1962, is hereby amended by inserting in line twelve (12) after  
3 the word "physician" the words "or the board of pharmacy examiners,  
4 its officers, agents, inspectors, and representatives".

1 SEC. 6. Section one hundred fifty-five point twenty-seven (155.27),  
2 Code 1962, is hereby amended by striking from line nine (9) the words  
3 "less than thirty days" and inserting in lieu thereof the words "more  
4 than six (6) months".

1 SEC. 7. Chapter one hundred fifty-five (155), Code 1962, is hereby  
2 amended by adding the following sections:

3 1. "No person shall:

4 a. "Obtain or attempt to obtain a prescription drug or procure or  
5 attempt to procure the administration of a prescription drug by:

6 (1) "Fraud, deceit, misrepresentation, or subterfuge.

7 (2) "Forgery or alteration of a prescription or of any written  
8 order.

9 (3) "Concealment of a material fact.

10 (4) "Use of a false name or the giving of a false address.

11 b. "Willfully make a false statement in any prescription, report, or  
12 record required by this chapter.

13 c. "For the purpose of obtaining a prescription drug, falsely assume  
14 the title of or represent himself to be a manufacturer, wholesaler,  
15 pharmacist, pharmacy owner, physician, dentist, veterinarian, or  
16 other authorized person.

17 d. "Make or utter any false or forged prescription or written order.

18 e. "Affix any false or forged label to a package or receptacle contain-  
19 ing prescription drugs.

20 "Information communicated to a physician in an unlawful effort to  
21 procure a prescription drug or to procure the administration of any  
22 such drug shall not be deemed a privileged communication."

23 2. "Any person who sells or offers for sale, gives away, or admin-  
24 isters to another person any prescription drug shall be deemed guilty

25 of violating the provisions of this subsection or any person who vio-  
 26 lates any provisions of subsection one (1) of this section and upon  
 27 conviction thereof, shall be fined not more than one thousand (1,000)  
 28 dollars or be imprisoned in the county jail for not more than one (1)  
 29 year, or both. For a second (2nd) offense, or if in case of a first (1st)  
 30 conviction of violation of any provision of subsection one (1) of this  
 31 section or of violation of any provision of this subsection, the offender  
 32 shall previously have been convicted of any violation of the laws of the  
 33 United States or of any state, territory, or district thereof relating to  
 34 prescription drugs, the offender upon conviction shall be fined not  
 35 more than two thousand (2,000) dollars and be imprisoned in the state  
 36 penitentiary not less than two (2) or more than five (5) years. For  
 37 a third (3rd) or subsequent offense in violation of this subsection or  
 38 in violation of subsection one (1) of this section, or if the offender  
 39 shall previously have been convicted two (2) or more times in the  
 40 aggregate of any violation of the laws of the United States or of any  
 41 state, territory, or district thereof relating to prescription drugs, the  
 42 offender upon conviction shall be fined not more than five thousand  
 43 (5,000) dollars and be imprisoned in the state penitentiary not less  
 44 than five (5) or more than ten (10) years.

45 "Any person violating any provision of this chapter by selling, giv-  
 46 ing away, or administering any prescription drug to a minor shall  
 47 upon conviction thereof be punished by imprisonment in the state  
 48 penitentiary for not less than five (5) or more than twenty (20) years.

49 "Nothing in this subsection shall be construed to prevent a licensed  
 50 practitioner of medicine, dentistry, nursing, veterinary medicine, or  
 51 pharmacy from such acts necessary in the ethical and legal perform-  
 52 ance of his profession."

53 3. "In any complaint, information, or indictment, and in any action  
 54 or proceeding brought for the enforcement of any provisions of this  
 55 chapter, it shall not be necessary to negative any exception, excuse,  
 56 proviso, or exemption contained in this chapter, and the burden of  
 57 proof of any such exception, excuse, proviso, or exemption shall be  
 58 upon the defendant."

59 4. "It is hereby made the duty of the board of pharmacy examiners,  
 60 its officers, agents, inspectors, and representatives, and of all peace  
 61 officers within the state, and of all county attorneys to enforce all  
 62 provisions of this chapter, except those specifically delegated, and to  
 63 cooperate with all agencies charged with the enforcement of the laws  
 64 of the United States, of this state, and of all other states relating to  
 65 prescription drugs. Officers, agents, inspectors, and representatives  
 66 of the board of pharmacy examiners shall have the powers and status  
 67 of peace officers when enforcing the provisions of this chapter."

1 SEC. 8. Section one hundred forty-seven point ninety-five (147.95),  
 2 Code 1962, is hereby amended by adding thereto the following:

3 "Officers, agents, inspectors, and representatives of the board of  
 4 pharmacy examiners shall have the powers and status of peace officers  
 5 when enforcing the provisions of this title."

1 SEC. 9. Section seven hundred forty-eight point three (748.3),  
 2 Code 1962, is hereby amended by adding the following subsection:

3 "All agents appointed by the secretary of the board of pharmacy  
4 examiners."

1 SEC. 10. This Act, being deemed of immediate importance, shall  
2 take effect and be in force from and after its publication in The  
3 Mapleton Press, a newspaper published in Mapleton, Iowa, and in The  
4 Woodbine Twiner, a newspaper published in Woodbine, Iowa.

Approved May 7, 1965.

I hereby certify that the foregoing Act, Senate File 285, was published in The Mapleton Press, Mapleton, Iowa, May 20, 1965, and in The Woodbine Twiner, Woodbine, Iowa, May 13, 1965.

GARY L. CAMERON, *Secretary of State.*

## CHAPTER 170

### STATE APIARIST

S. F. 150

AN ACT relating to the state apiarist.

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

1 SECTION 1. Section one hundred sixty point two (160.2), Code  
2 1962, is hereby amended by inserting in line seven (7) after the word  
3 "honey" the words ", to examine the bees, combs, and beekeeping  
4 appliances in any locality which he may suspect of being affected with  
5 foulbrood or any other contagious or infectious disease common to  
6 bees, and to inspect bees before removal from the state".

1 SEC. 2. Section one hundred sixty point four (160.4), Code 1962,  
2 is hereby repealed.

1 SEC. 3. Section one hundred sixty point six (160.6), Code 1962, is  
2 hereby amended as follows:

3 1. By striking from line four (4) the word "treatment" and insert-  
4 ing in lieu thereof the word "disinfection".

5 2. By inserting in line four (4) after the word "days" the words  
6 "with immediate action in emergency cases".

1 SEC. 4. Section one hundred sixty point seven (160.7), Code 1962,  
2 is hereby amended by striking from line three (3) the word "treat-  
3 ment" and inserting in lieu thereof the word "disinfection".

1 SEC. 5. Section one hundred sixty point twelve (160.12), Code  
2 1962, is hereby repealed.

1 SEC. 6. Section one hundred sixty point thirteen (160.13), Code  
2 1962, is hereby amended by striking lines five (5) and six (6) and  
3 inserting in lieu thereof the words "given, the number of examinations  
4 and inspections made, together with such".

1 SEC. 7. Section one hundred sixty point fifteen (160.15), Code  
2 1962, is hereby amended by striking lines one (1) through seven (7)