

14 2. Any person convicted of violating any provision of this Act or
 15 the rules and regulations issued thereunder shall be punished by a fine
 16 of not less than one hundred dollars nor more than two hundred and
 17 fifty dollars.

18 3. Nothing in this Act shall be construed as requiring the secretary
 19 or his representative to report for prosecution or for the institution
 20 of seizure proceedings minor violations of the Act when he believes
 21 that the public interest will be best served by a suitable notice of
 22 warning in writing.

23 4. It shall be the duty of each county attorney to whom any viola-
 24 tion is reported, to cause appropriate proceedings to be instituted and
 25 prosecuted in a court of competent jurisdiction without delay.

26 5. The secretary is hereby authorized to apply for and the court to
 27 grant a temporary or permanent injunction restraining any person
 28 from violating or continuing to violate any of the provisions of this
 29 Act or any rule or regulation promulgated under the Act notwith-
 30 standing the existence of other remedies at law, said injunction to be
 31 issued without bond.

1 **SEC. 19. Exchanges between manufacturers.** Nothing in this Act
 2 shall be construed to restrict or avoid sales or exchanges of commer-
 3 cial fertilizers or soil conditioners to each other by importers, manu-
 4 facturers, or manipulators who mix fertilizer materials for sale or as
 5 preventing the free and unrestricted shipments of commercial fer-
 6 tilizer or soil conditioner to manufacturers or manipulators who have
 7 registered their brands as required by the provisions of this Act.

Approved May 14, 1965.

CHAPTER 195 NARCOTIC DRUGS

S. F. 330

AN ACT relating to and defining narcotic drugs and to make uniform the law with reference thereto.

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

1 Chapter two hundred four (204), Code 1962, is hereby repealed and
 2 the following enacted in lieu thereof:

1 **SECTION 1.** The following words and phrases, as used in this Act,
 2 shall have the following meanings, unless the context otherwise re-
 3 quires:

4 1. "Person" means an individual, partnership, corporation, associa-
 5 tion, trust, or other institution or entity.

6 2. "Medical practitioner" means a physician, dentist, veterinary* or
 7 any other person authorized by law to treat sick and injured human
 8 beings or animals in this state and to use narcotic drugs in such treat-
 9 ment.

*According to enrolled Act.

10 3. "Pharmacist" means a natural person licensed by the law of this
11 state to engage in the practice of the profession of pharmacy.

12 4. "Pharmacy" means every store or other place of business where
13 narcotic drugs are compounded, dispensed, or sold by a pharmacist and
14 prescription orders for narcotic drugs are received or processed in
15 accordance with the pharmacy laws and regulations of this state.

16 5. "Manufacturer" means a person who produces or prepares a nar-
17 cotic drug, either directly or indirectly, by extraction from substances
18 of vegetable origin, or independently by means of chemical synthesis,
19 or by a combination of extraction and chemical synthesis, or by com-
20 pounding, mixing, cultivating, growing, or any other process, but does
21 not include a pharmacist who compounds narcotic drugs to be sold or
22 dispensed on prescription order.

23 6. "Wholesaler" means a person who supplies narcotic drugs that he
24 himself has not produced nor prepared, on official written orders, but
25 not on prescription orders.

26 7. "Hospital" means an institution for the care and treatment of the
27 sick and injured, approved by the board as proper to be entrusted with
28 the custody of narcotic drugs and the professional use of narcotic
29 drugs under the direction of a medical practitioner.

30 8. "Laboratory" means a laboratory approved by the board as
31 proper to be entrusted with the custody of narcotic drugs and the use
32 of narcotic drugs for scientific and medical purposes and for purposes
33 of instruction.

34 9. "Sale" means barter, exchange, gift, or offer therefor, and each
35 such transaction made by any person, whether as principal, propri-
36 etor, agent, servant, or employee.

37 10. "Narcotic drug" means any of the following, alone, in combina-
38 tion, or mixed with other ingredients:

39 a. Opium, isonipecaine, cocoa leaves, or opiate.

40 b. Any compound, manufacture, salt, derivative, or preparation of
41 opium, isonipecaine, cocoa leaves, or opiate.

42 c. "Marijuana" means all parts of the plant *cannabis sativa* L.,
43 whether growing or not, the seeds thereof, the resin extracted from
44 any part of such plant, and every compound, manufacture, salt, de-
45 rivative, mixture, or preparation of such plant, its seeds, or resin, but
46 shall not include the mature stalks of such plant, fiber produced from
47 such stalks, oil, or cake made from the seeds of such plant, any other
48 compound, manufacture, salt, derivative, mixture, or preparation of
49 such mature stalks, except the resin extracted therefrom, fiber, oil, or
50 cake, or the sterilized seed of such plant which is incapable of germina-
51 tion.

52 d. Any substance and any compound, manufacture, salt, derivative,
53 or preparation thereof, whether produced directly or indirectly by
54 extraction from substances of vegetable origin, or independently by
55 means of chemical synthesis, or by a combination of extraction and
56 chemical synthesis, which is neither chemically nor physically distin-
57 guishable from any of the substances referred to in paragraphs a, b,
58 or c.

59 e. "Opiate" means any drug or other substance proclaimed to be a
60 narcotic drug by rule or regulation of the board after reasonable notice
61 and opportunity of hearing. "Opiate" means any drug or other sub-

62 stance and any compound, manufacture, salt, derivative, or prepara-
 63 tion thereof which has been or may be found by the secretary of the
 64 treasury of the United States or his delegate, after due notice and
 65 opportunity for public hearing, to have an addiction-forming or addic-
 66 tion-sustaining liability similar to morphine or cocaine or to be capable
 67 of conversion into a drug having such addiction-forming or addiction-
 68 sustaining liability, where the relative technical simplicity and degree
 69 of yield of such conversion create a risk of improper use and pro-
 70 claimed by the secretary or his delegate to have been so found in the
 71 federal register; but a drug or other substance shall cease to be an
 72 "opiate" for the purposes of this section if such finding is duly with-
 73 drawn by the secretary or his delegate.

74 Except that the words "narcotic drug" shall not include decocainized
 75 cocoa leaves or extracts of cocoa leaves, which extracts do not contain
 76 cocaine or ecgonine.

77 11. "Propagate" means distribute, leave with, give away, dispose of,
 78 or deliver.

79 12. "Dispense" means to prepare or issue a drug in a container with
 80 labeling for subsequent administration to or use by a patient under a
 81 medical practitioner's order.

82 13. "Federal Narcotic Laws" means the laws of the United States
 83 relating to narcotic drugs.

84 14. "Official written order" means an order written on a form pro-
 85 vided for that purpose by the secretary of the treasury of the United
 86 States or his delegate, under any laws of the United States making
 87 provision therefor, if such order forms are authorized and required by
 88 federal law, and if no such order form is provided, then on an official
 89 form provided for that purpose by the board.

90 15. "Registry number" means the number assigned to each person
 91 registered under the federal narcotic laws.

92 16. "Board" means the board of pharmacy examiners.

1 SEC. 2. It shall be unlawful for any person to manufacture, pos-
 2 sess, have under his control, sell, purchase, prescribe, administer, dis-
 3 pense, compound, or propagate any narcotic drug, or any preparation
 4 containing a narcotic drug, except as authorized in this Act.

1 SEC. 3. No person shall manufacture, compound, mix, cultivate,
 2 grow, or by any other process produce or prepare narcotic drugs, and
 3 no person as wholesaler shall supply the same, without having first
 4 obtained a license so to do from the board.

1 SEC. 4. 1. No license shall be issued under section three (3) of this
 2 Act unless and until the applicant therefor has furnished proof satis-
 3 factory to the board:

4 a. That the applicant is of good moral character or, if the applicant
 5 is an association or corporation, that the managing officers are of good
 6 moral character.

7 b. That the applicant is equipped as to land, buildings, and equip-
 8 ment to properly carry on the business described in his application.

9 No license shall be granted to any person who has within five (5)
 10 years been convicted of a willful violation of any law of the United
 11 States, or of any state, relating to narcotic drugs, or to any person who
 12 is a narcotic drug addict.

13 2. After due notice and opportunity for hearing, any license may be
14 suspended or revoked for cause by the board. Cause includes:

15 a. A licensee's conviction of violating or conspiring to violate any
16 law of the United States or of any state where the offense involves any
17 activity or transaction with respect to narcotic drugs; or

18 b. A licensee's violation or failure to comply with any duly promul-
19 gated rule or regulation of the board.

1 SEC. 5. 1. A duly licensed manufacturer or wholesaler may sell
2 and propagate narcotic drugs to any of the following persons, but only
3 on official written orders:

4 a. To a manufacturer, wholesaler, pharmacist, or pharmacy.

5 b. To a medical practitioner.

6 c. To a person in charge of a hospital, but only for use by or in that
7 hospital.

8 d. To a person in charge of a laboratory, but only for use in that
9 laboratory for scientific and medical purposes.

10 e. To a person in the employ of the United States government or of
11 any state, territorial, district, county, municipal, or insular govern-
12 ment, purchasing, receiving, possessing, or dispensing narcotic drugs
13 by reason of his official duties, upon an exempt official order form as
14 required by federal narcotic laws.

15 f. To a master of a ship or a person in charge of any aircraft upon
16 which no physician is regularly employed, or to a physician or surgeon,
17 duly licensed in some state, territory, or the District of Columbia to
18 practice his profession, or to a retired commissioned medical officer of
19 the United States army, navy, or public health service employed upon
20 such ship or aircraft, for the actual medical needs of persons on board
21 such ship or aircraft when not in port. Provided; such narcotic drugs
22 shall be sold to the master of such ship or person in charge of such
23 aircraft or to a physician, surgeon, or retired commissioned medical
24 officer of the United States army, navy, or public health service em-
25 ployed upon such ship or aircraft only in pursuance of a special order
26 form approved by a commissioned medical officer or acting assistant
27 surgeon of the United States public health service.

28 g. To a person in a foreign country if the provisions of the federal
29 narcotic laws are complied with.

30 2. An official written order for any narcotic drug shall be signed in
31 triplicate by the person giving said order or by his duly authorized
32 agent. The original shall be presented to the person who sells or
33 propagates the narcotic drug or drugs named therein. Upon the ac-
34 ceptance of such order by said person, each party to the transaction
35 shall preserve his copy of such order for a period of five (5) years in
36 such a way as to be readily accessible for inspection by any public
37 officer or employee engaged in the enforcement of this Act. It shall be
38 deemed a compliance with this subsection if the parties to the transac-
39 tion have complied with the federal narcotic laws, respecting the re-
40 quirements governing the use of order forms.

41 3. Possession of or control of narcotic drugs obtained as authorized
42 by this section shall be lawful if in the regular course of business,
43 occupation, profession, employment, or duty of the possessor; but
44 nothing in this Act shall be construed as conferring on a person who is
45 not registered nor licensed as a medical practitioner or as a pharmacist

46 any authority, right, or privilege that is not granted to him by the
47 medical practice or pharmacy laws of this state.

48 4. A person in charge of a hospital or of a laboratory, or in the
49 employ of this state or of any other state, or of any political subdivi-
50 sion thereof, or a master of a ship or a person in charge of any air-
51 craft upon which no physician is regularly employed, or a physician or
52 surgeon duly licensed in some state, territory, or the District of Co-
53 lumbia, to practice his profession, or a retired commissioned medical
54 officer of the United States army, navy, or public health service em-
55 ployed upon such ship or aircraft, who obtains a narcotic drug under
56 the provisions of this section or otherwise, shall not administer, nor
57 dispense, nor otherwise use such drug within the state, except within
58 the scope of his employment or official duty, and then only for scien-
59 tific or medicinal purposes and subject to the provisions of this Act.

1 SEC. 6. 1. A pharmacist, in good faith, may sell or dispense nar-
2 cotic drugs to any person upon a written prescription order of a med-
3 ical practitioner properly executed, dated, and signed by the person
4 prescribing on the day when issued and bearing the full name and
5 address of the patient for whom, or of the owner of the animal for
6 which, the drug is dispensed, and the full name, address, and registry
7 number under the federal narcotic laws of the person prescribing, if he
8 is required by those laws to be so registered. If the prescription order
9 is for an animal, it shall state the species of animal for which the drug
10 is prescribed.

11 2. Notwithstanding the provisions of subsection one (1) of this sec-
12 tion, narcotic drugs which possess relatively little or no addiction
13 liability, which the board shall find and by regulations designate, after
14 reasonable notice and opportunity for hearing, to possess relatively
15 little or no narcotic addiction liability, may be dispensed by a pharma-
16 cist, in good faith, to any person upon an oral prescription order of a
17 medical practitioner. In issuing an oral prescription order, the pre-
18 scriber shall furnish the same information as is required for a written
19 prescription order under subsection one (1) of this section except for
20 the written signature of the prescriber. Upon receipt of the oral pre-
21 scription order, the pharmacist dispensing the oral prescription order
22 shall promptly reduce the oral prescription order to writing by record-
23 ing:

24 a. The date when the oral prescription order was received.

25 b. The full name and address of the patient for whom, or the owner
26 of the animal for which, the drug is dispensed.

27 c. The full name, address, and registry number under the federal
28 narcotic laws of the person prescribing, if he is required by those laws
29 to be so registered.

30 d. If the oral prescription order is for an animal, the species of the
31 animal for which the drug is prescribed.

32 3. The pharmacist dispensing an oral or written prescription order
33 under this section shall write the date of dispensing and his own sig-
34 nature on the face of the prescription order. The oral or written
35 prescription order shall be retained in a separate file by the proprietor
36 of the pharmacy in which it is dispensed for a period of five (5) years,
37 so as to be readily accessible for inspection by any public officer or

38 employee engaged in the enforcement of this chapter. The oral or
39 written prescription order shall not be renewed.

40 4. The legal owner of any stock of narcotic drugs in a pharmacy,
41 upon discontinuance of dealing in said drugs, may sell said stock to a
42 manufacturer, wholesaler, pharmacist, or pharmacy, but only on an
43 official written order, and with the approval of the district director of
44 internal revenue for the district.

45 5. A pharmacist, only upon an official written order, may sell to a
46 medical practitioner in quantities not exceeding one (1) ounce at any
47 one (1) time, aqueous or oleaginous solutions of which the content of
48 narcotic drugs does not exceed a proportion greater than twenty (20)
49 percent of the complete solution, to be used for medical purposes.

1 SEC. 7. 1. A physician or a dentist, in good faith and in the course
2 of his professional practice only, may prescribe, administer, and dis-
3 pense narcotic drugs, or he may cause the same to be administered by
4 a nurse or intern under his direction and supervision.

5 2. A veterinarian, in good faith and in the course of his professional
6 practice only, and not for use by a human being, may prescribe, admin-
7 ister, and dispense narcotic drugs, and he may cause them to be admin-
8 istered by an assistant or orderly under his direction and supervision.

9 3. Any person who has obtained from a medical practitioner any
10 narcotic drug for administration to a patient during the absence of
11 such medical practitioner shall return to such practitioner any unused
12 portion of such drug, when it is no longer required by the patient.

1 SEC. 8. 1. The board may by regulation exempt from the applica-
2 tion of this Act to the extent it determines to be consistent with the
3 public welfare, pharmaceutical preparations of narcotic drugs found
4 by the board after due notice and opportunity for hearing:

5 a. Either to possess no addiction-forming or addiction-sustaining
6 liability, or to possess such slight addiction-forming or addiction-sus-
7 taining liability as to create little risk of improper use, and

8 b. Not to permit recovery of a narcotic drug having such liability,
9 with relative technical simplicity and degree of yield as to create a risk
10 of improper use.

11 2. In exercising the authority granted in subsection one (1) of this
12 section, the board, by regulation and without special findings, may
13 grant an exempt status to such pharmaceutical preparations of nar-
14 cotic drugs as are or may be determined to be exempt under the federal
15 narcotic laws and regulations and permit the administering, dispens-
16 ing, or selling of such preparations under conditions and by persons
17 the board may prescribe.

18 3. If the board shall determine that any exempt preparation does
19 possess a degree of addiction liability that, in its opinion, results in
20 abusive use, the board shall by regulation publish its determination.
21 The determination shall be final and the exempt status shall cease to
22 apply to such preparation sixty (60) days after the publication date
23 of the determination.

24 4. Pharmaceutical preparations of narcotic drugs exempted from
25 this Act shall be subject to the following conditions:

26 a. The preparation administered, dispensed, or sold, shall contain,
27 in addition to the narcotic drug in it, some drug or drugs conferring

28 upon it medicinal qualities other than those possessed by the narcotic
29 drug alone.

30 *b.* The preparation shall be administered, dispensed, or sold in good
31 faith as a medicine, and not for the purpose of evading the provisions
32 of this Act.

33 *c.* Only a pharmacist shall sell at retail or dispense such a prepara-
34 tion.

35 5. Except as otherwise provided, this Act shall not apply to the
36 administering, dispensing, or selling of any preparation containing
37 not more than one (1) grain (64.8mg.) of codeine, or any of its salts,
38 per one (1) fluid ounce (29.5729 cc.) or per one (1) avoirdupois ounce
39 (28.3 gms.), when such pharmaceutical preparations of narcotic drugs
40 are administered, dispensed, or sold by persons and under conditions
41 prescribed by the board.

1 SEC. 9. Medical practitioners, manufacturers, wholesalers, phar-
2 macies, pharmacists, hospitals, laboratories, and every person who pur-
3 chases for resale or who sells narcotic drugs, shall keep such records as
4 may be required by the board relating to receipt, manufacture, inven-
5 tory, distribution, including dispensing, administering, sale, or other
6 disposition, and information as to narcotics stolen, lost, or destroyed.
7 In every case the record of narcotic drugs received shall show the date
8 of receipt, the name and address of the person from whom received,
9 and the kind and quantity of drugs received; the kind and quantity of
10 narcotic drugs produced or removed from process of manufacture, and
11 the date of such production or removal from process of manufacture.
12 The record of all narcotic drugs sold, administered, dispensed, or other-
13 wise disposed of, shall show the date of selling, administering, or dis-
14 pensing, the name and address of the person to whom, or for whose
15 use, or the owner and species of animal for which the drugs were sold,
16 administered, or dispensed and the kind and quantity of drugs.

17 Every such record shall be kept for a period of five (5) years from
18 the date of the transaction recorded. The keeping of a record required
19 by or under the federal narcotic laws containing substantially the same
20 information as is specified by this Act, shall constitute compliance with
21 this section, except that every such record shall contain a detailed list
22 of narcotic drugs lost, destroyed, or stolen, if any, the kind and quan-
23 tity of such drugs, and the date of the discovery of such loss, destruc-
24 tion, or theft.

1 SEC. 10. 1. Whenever a manufacturer sells or propagates a nar-
2 cotic drug, and whenever a wholesaler sells or propagates a narcotic
3 in a package prepared by him, he shall securely affix to each package
4 in which that drug is contained a label showing in legible English the
5 name and address of the vendor and the quantity, kind, and form of
6 narcotic drug contained therein. No person, except a pharmacist, for
7 the purpose of dispensing a prescription order under this Act, shall
8 alter, deface, or remove any label so affixed.

9 2. Whenever a pharmacist sells or dispenses any narcotic drug on a
10 prescription order issued by a medical practitioner, he shall affix to the
11 container in which such drug is sold or dispensed, a label showing his
12 own name, address, and registry number, or the name, address, and
13 registry number of the pharmacy for whom he is lawfully acting; the

14 name and address of the patient or, if the patient is an animal, the
15 name and address of the owner of the animal and the species of the
16 animal; the name, address, and registry number of the medical practi-
17 tioner by whom the prescription was written; and such directions as
18 may be stated on the prescription order. No person shall alter, deface,
19 or remove any label so affixed.

1 SEC. 11. 1. A person to whom, or for whose use, any narcotic drug
2 has been prescribed, sold, or dispensed, by a medical practitioner or
3 pharmacist, or other person authorized under the provisions of section
4 five (5) of this Act, and the owner of any animal for which any such
5 drug has been prescribed, sold, or dispensed by a veterinarian, may
6 lawfully possess such drug and then only in the container in which it
7 was delivered to him by the person selling or dispensing the same.

8 2. Any narcotic drug left, manufactured, or dispensed in violation
9 of the laws of the United States, or of this Act, or any instrument,
10 container, or other equipment used or intended to be used in manu-
11 facturing, keeping, or dispensing such drug may be seized, confiscated,
12 and disposed of under a search warrant proceeding and the procedure
13 shall be the same as provided under chapter seven hundred fifty-one
14 (751) of the Code.

15 3. Any automobile or other vehicle used, or intended to be used, to
16 conceal, convey, carry, or transport in violation of this Act any of the
17 drugs defined in section one (1) of this Act, or any automobile or
18 vehicle in which any of the drugs defined in section one (1) of this Act
19 are unlawfully possessed by an occupant with the knowledge of the
20 owner thereof, shall be forfeited to the state, under the provisions of
21 chapter one hundred twenty-seven (127) of the Code.

1 SEC. 12. The provisions of this Act restricting the possession and
2 having control of narcotic drugs shall not apply to common carriers or
3 to warehousemen, while engaged in lawfully transporting or storing
4 such drugs, or to any employee of the carrier or warehouseman acting
5 within the scope of his employment; or to public officers or their
6 employees in the performance of their official duties requiring posses-
7 sion or control of narcotic drugs, to a pharmacy, or to temporary inci-
8 dental possession by employees or agents of persons lawfully entitled
9 to possession, or by persons whose possession is for the purpose of
10 aiding public officers in performing their official duties.

1 SEC. 13. Any store, shop, warehouse, dwelling house, building,
2 vehicle, boat, aircraft, or any place whatever, which is resorted to by
3 narcotic drug addicts for the purpose of using narcotic drugs or which
4 is used for the illegal keeping or selling of the same, shall be deemed a
5 common nuisance. No person shall keep or maintain such a common
6 nuisance.

1 SEC. 14. All narcotic drugs, the lawful possession of which is not
2 established or the title to which cannot be ascertained, or excess or
3 undesired narcotic drugs, which have come into the custody of a peace
4 officer, shall be forfeited, and disposed of as follows:

5 1. Except as otherwise provided in this section, the court or magis-
6 trate having jurisdiction shall order such narcotic drugs forfeited and
7 destroyed. A record of the place where said drugs were seized, of the

8 kinds and quantities of drugs so destroyed, and of the time, place, and
 9 manner of destruction, shall be kept, and a return under oath, report-
 10 ing said destruction, shall be made to the court or magistrate and to
 11 the secretary of the treasury of the United States, or his delegate, by
 12 the officer who destroys them.

13 2. Upon written application by the board, the court or magistrate by
 14 whom the forfeiture of narcotic drugs has been decreed may order the
 15 delivery of any of them, except heroin and its salts and derivatives, to
 16 said board for distribution or destruction, as provided by this section.

17 3. Upon application by any hospital within this state, not operated
 18 for private gain, the board may in its discretion deliver any narcotic
 19 drugs that have come into its custody by authority of this section to
 20 the applicant for medicinal use. The board may from time to time
 21 deliver excess stocks of such narcotic drugs to the secretary of the
 22 treasury of the United States, or his delegate, or may destroy the same.

23 4. The board shall keep a full and complete record of all drugs re-
 24 ceived and of all drugs disposed of, showing the exact kinds, quan-
 25 tities, and forms of such drugs, the persons from whom received, and
 26 to whom delivered, by whose authority received, delivered, and de-
 27 stroyed and the dates of the receipt, disposal, or destruction, which
 28 record shall be open to inspection by all federal or state officers charged
 29 with the enforcement of federal and state narcotic laws.

1 SEC. 15. On the conviction of any person of the violation of any
 2 provision of this Act, a copy of the judgment and sentence, and of the
 3 opinion of the court or magistrate, if any opinion be filed, shall be sent
 4 by the clerk of the court, or by the magistrate, to the board or officer,
 5 if any, by whom the convicted defendant has been licensed or regis-
 6 tered to practice his profession or to carry on his business. On the
 7 conviction of any such person, the court may, in its discretion, sus-
 8 pend or revoke the license or registration of the convicted defendant
 9 to practice his profession or to carry on his business. On the applica-
 10 tion of any person whose license or registration has been suspended or
 11 revoked, and upon proper showing and for good cause, said board or
 12 officer may reinstate such license or registration.

1 SEC. 16. Prescription orders, records, and orders required by this
 2 Act, and stocks of narcotic drugs, shall be open for inspection only to
 3 federal, state, county, and municipal officers, whose duty is to enforce
 4 the laws of this state or of the United States relating to narcotic drugs.
 5 No officer having knowledge by virtue of his office of any such prescrip-
 6 tion order, record, or order shall divulge such knowledge, except in
 7 connection with a prosecution or proceeding in court or before a licens-
 8 ing or registration board or officer to which prosecution or proceeding
 9 the person to whom such prescription orders, records, or orders relate
 10 is a party.

1 SEC. 17. 1. No person shall obtain or attempt to obtain a narcotic
 2 drug, or procure or attempt to procure the administration of a narcotic
 3 drug:

4 a. By fraud, deceit, misrepresentation, or subterfuge.

5 b. By the forgery or alteration of a prescription order or of any
 6 written order.

- 7 c. By the concealment of a material fact.
8 d. By the use of a false name or the giving of a false address.
- 9 2. Information communicated to a medical practitioner in an effort
10 unlawfully to procure a narcotic drug, or unlawfully to procure the
11 administration of any such drug, shall not be deemed a privileged com-
12 munication.
- 13 3. No person shall willfully make a false statement in any prescrip-
14 tion order, report, record, or order required by this Act.
- 15 4. No person shall, for the purpose of obtaining a narcotic drug,
16 falsely assume the title of, or represent himself to be, a manufacturer,
17 wholesaler, pharmacy, pharmacist, medical practitioner, or other au-
18 thorized person.
- 19 5. No person shall make or utter any false or forged prescription
20 order or false or forged written order.
- 21 6. No person shall affix any false or forged label to a package or
22 receptacle containing narcotic drugs.
- 23 7. The provisions of this section shall apply to all transactions re-
24 lating to narcotic drugs under the provisions of section eight (8) of
25 this Act, in the same way as they apply to transactions under all other
26 sections.

1 SEC. 18. In any complaint, information, or indictment, and in any
2 action or proceeding brought for the enforcement of any provision of
3 this Act, it shall not be necessary to negative any exception, excuse,
4 proviso, or exemption, contained in this Act, and the burden of proof
5 of any such exception, excuse, proviso, or exemption, shall be upon the
6 defendant.

1 SEC. 19. 1. It is hereby made the duty of the board, its officers,
2 agents, inspectors, and representatives, and of all peace officers within
3 the state, and of all county attorneys, to enforce all provisions of this
4 Act, except those specifically delegated and to cooperate with all agen-
5 cies charged with the enforcement of the laws of the United States,
6 of this state, and of all other states, relating to narcotic drugs.

7 2. Authority is hereby granted to the board to promulgate rules and
8 regulations for the efficient enforcement of this Act and said board is
9 hereby authorized to make such rules and regulations under this Act
10 to conform with those promulgated by the secretary of the treasury of
11 the United States or his delegate under the federal narcotic laws.

12 3. Officers, agents, inspectors, and representatives of the board shall
13 have the power of and status as peace officers when enforcing the pro-
14 visions of this Act.

1 SEC. 20. 1. Any person violating any provision of this Act, except
2 as otherwise provided shall upon conviction be fined not more than two
3 thousand (2,000) dollars and shall be imprisoned in the state peniten-
4 tiary not less than two (2) or more than five (5) years. For a second
5 offense or, if in case of a first conviction of violation of any provision
6 of this Act, the offender shall previously have been convicted of any
7 violation of the laws of the United States, or of any other state, terri-
8 tory, or district relating to narcotic drugs, or marijuana the offender
9 shall be fined not more than two thousand (2,000) dollars and be im-
10 prisoned in the state penitentiary not less than five (5) nor more than

11 ten (10) years. For a third (3rd) or subsequent offense, or if the
12 offender shall previously have been convicted two (2) or more times
13 in the aggregate of any violation of the laws of the United States or
14 of any other state, territory, or district relating to the narcotic drugs
15 or marijuana, the offender shall be fined not more than two thousand
16 (2,000) dollars and be imprisoned in the state penitentiary not less
17 than ten (10) nor more than twenty (20) years.

18 2. Any person violating any provision of this Act by selling, pre-
19 scribing, or administering any narcotic drug to a minor shall upon
20 conviction thereof be punished by imprisonment in the state peniten-
21 tiary for not less than five (5) or more than twenty (20) years.

22 3. Any person who takes, steals, or carries away any narcotic drugs
23 the property of any person who is duly authorized by law to engage in
24 administering, dispensing, or selling of narcotic drugs shall be guilty
25 of a felony and upon conviction be fined and imprisoned as provided in
26 subsection one (1) of this section for any person violating any of the
27 provisions of this Act.

28 4. For violation of the provisions of this Act concerning the manu-
29 facturing, selling, administering to another person, or dispensing a
30 narcotic drug, the imposition or execution of sentence shall not be sus-
31 pended and probation or parole shall not be granted until the minimum
32 imprisonment herein provided for the offense shall have been served.

1 SEC. 21. No person shall be prosecuted for a violation of any pro-
2 vision of this Act if such person has been acquitted or convicted under
3 the federal narcotic laws of the same act or omission which, it is
4 alleged, constitutes a violation of this Act.

1 SEC. 22. If any provision of this Act or the application thereof to
2 any person or circumstances is held invalid, such invalidity shall not
3 affect other provisions or applications of the Act which can be given
4 effect without the invalid provision or application, and to this end the
5 provisions of this Act are declared to be severable.

1 SEC. 23. This Act shall be so interpreted and construed as to effec-
2 tuate its general purpose, to make uniform the laws of those states
3 which enact it.

1 SEC. 24. This Act may be cited as the uniform narcotic drug Act.

1 SEC. 25. This Act, being deemed of immediate importance, shall
2 take effect and be in force from and after its publication in The Maple-
3 ton Press, a newspaper published in Mapleton, Iowa, and in The Wood-
4 bine Twiner, a newspaper published in Woodbine, Iowa.

Approved July 1, 1965.

I hereby certify that the foregoing Act, Senate File 330, was published in The Maple-
ton Press, Mapleton, Iowa, July 15, 1965, and in The Woodbine Twiner, Woodbine, Iowa,
July 8, 1965.

GARY L. CAMERON, *Secretary of State.*