

insured against loss from liability imposed by law for damages arising out of ownership, maintenance, or use of an insured automobile.

2. "Commissioner" means the commissioner of insurance.

Sec. 2. NEW SECTION. 516B.2 REDUCTION IN PREMIUMS TO REFLECT REDUCTIONS IN LOSSES.

The commissioner shall require that insurance companies transacting business in this state reduce the automobile liability insurance premiums charged insureds in this state for liability insurance renewed or issued on or after July 1, 1987. The reduction in insurance premiums, on a statewide basis, shall be at whatever amount the commissioner of insurance deems appropriate as reflecting the reduction in annual losses incurred by the insurance companies with the enactment of Senate File 499 by the Seventy-first General Assembly. The commissioner of insurance may annually make adjustments to the reduction in insurance premiums as the commissioner deems appropriate considering the latest statistics available to the commissioner.

In making the determination on the amount of reduction of automobile liability insurance premiums which takes effect July 1, 1987, the commissioner may employ or contract with actuarial consultants as necessary in making the determination. The reasonable fees and expenses of an actuarial consultant employed or contracted by the commissioner for the purpose of determining the amount of the July 1, 1987 reduction shall be assessed against and paid by the affected insurance companies.

Approved May 23, 1986

CHAPTER 1219
DRUG PRESCRIPTIONS
S.F. 2248

AN ACT relating to the acquisition costs between a drug prescribed by a physician, dentist, podiatrist, or veterinarian and the drug substituted by a pharmacist.

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

Section 1. Section 155.37, subsection 1, paragraph a, Code 1985, is amended to read as follows:

a. If a physician, dentist, podiatrist or veterinarian prescribes, either in writing or orally, a drug by its brand or trade name and does not specifically state that only that designated brand or trade name drug product is to be dispensed, and if the pharmacy to which the prescription is presented or communicated has in stock one or more other drug products with the same generic name and demonstrated bioavailability as the one prescribed, the pharmacist may exercise professional judgment in the economic interest of the patient or the patient's adult representative who is purchasing the prescription by selecting a drug product generically equivalent to but of lesser cost than the one prescribed for dispensing and sale to the patient. If the pharmacist does so, the pharmacist shall inform the patient or the patient's adult representative of the savings which the patient will obtain as a result of substitution and pass on to the patient or the patient's representative the full no less than fifty percent of the difference in actual acquisition costs between the drug prescribed and the drug substituted.

Sec. 2. The drug utilization review program under the department of human services shall monitor the effects of this Act regarding any cost savings to patients or increased usage of generic drugs and the general assembly shall monitor the effects of such cost savings or increased usage. The drug utilization review program shall begin the monitoring procedure

July 1, 1986 and continue the procedure until June 30, 1989. The drug utilization review program shall report to the general assembly by January 10 of each year of the monitoring procedure, indicating any cost savings or increased usage of generic drugs.

Approved May 23, 1986

CHAPTER 1220

PENALTIES FOR OPERATION OF MOTOR VEHICLES

H.F. 2493

AN ACT relating to criminal penalties arising from the operation of motor vehicles.

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

Section 1. NEW SECTION. 321J.1 DEFINITIONS.

As used in this chapter unless the context otherwise requires:

1. "Alcohol concentration" means the number of grams of alcohol per any of the following:
 - a. One hundred milliliters of blood.
 - b. Two hundred ten liters of breath.
 - c. Sixty-seven milliliters of urine.
2. "Alcoholic beverage" includes alcohol, wine, spirits, beer, or any other beverage which contains ethyl alcohol and is fit for human consumption.
3. "Arrest" includes but is not limited to taking into custody pursuant to section 232.19.
4. "Department" means the state department of transportation.
5. "Director" means the director of transportation or the director's designee.
6. "Motor vehicle license" means any license or permit issued to a person to operate a motor vehicle in this state, including but not limited to an operator, chauffeur, or motorized bicycle license and an instruction or temporary permit.
7. "Peace officer" means:
 - a. A member of the highway patrol.
 - b. A police officer under civil service as provided in chapter 400.
 - c. A sheriff.
 - d. A regular deputy sheriff who has had formal police training.
 - e. Any other law enforcement officer who has satisfactorily completed an approved course relating to motor vehicle operators under the influence of alcoholic beverages at the Iowa law enforcement academy or a law enforcement training program approved by the department of public safety.
8. "Serious injury" means a bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes protracted loss or impairment of the function of any bodily organ or major bodily member, or which causes the loss of any bodily member.

Sec. 2. NEW SECTION. 321J.2 OPERATING WHILE UNDER THE INFLUENCE OF ALCOHOL OR A DRUG OR WHILE HAVING AN ALCOHOL CONCENTRATION OF .10 OR MORE. (OWI)

1. A person commits the offense of operating while intoxicated if the person operates a motor vehicle in this state in either of the following conditions:
 - a. While under the influence of an alcoholic beverage or other drug or a combination of such substances.
 - b. While having an alcohol concentration as defined in section 321J.1 of .10 or more.
2. A person who violates this section commits: