

- (5) Items displaying the emblem, mascot, or logo of the institution or school, or that otherwise promotes the identity of the institution or school and its programs.
- (6) Souvenirs and programs relating to events sponsored by or at the institution or school.
- (7) Radio and television stations.
- (8) Services to patients and visitors at the University of Iowa hospitals and clinics, except as specifically listed in subsection 2, paragraph "d".
- (9) Goods, products, or professional services which are produced, created, or sold incidental to the schools' teaching, research, and extension missions.
- (10) Services to the public at the Iowa State University college of veterinary medicine.

Sec. 3. NEW SECTION. 23A.3 LOCAL PURCHASES.

A city, county, area education agency, or school district shall adopt a policy for purchasing goods or services from private enterprise which requires consideration of purchasing these goods or services from a locally owned business located within the city, county, area education agency, or school district which offers these goods or services if the cost and other considerations are relatively equal. Nothing in this section shall be construed to prevent or prohibit the giving of a preference to businesses owned or operated by minorities or females as may be provided in any other provision of law.

Sec. 4. NEW SECTION. RELIEF FOR AGGRIEVED PERSONS.

Any aggrieved person may, after pursuing remedies offered by chapter 17A, seek injunctive relief for violations of this chapter by filing an action in the district court for the county in which the aggrieved business is located.

A state agency or political subdivision found to be in violation of this chapter shall be assessed and shall pay to the aggrieved person fees and other expenses, as defined in section 625.28.

Chapter 17A and this section are the exclusive remedy for violations of this chapter. However, the office of the citizens' aide may review violations of this chapter and make recommendations as provided in chapter 601G.

Sec. 5. NEW SECTION. 246.815 SALE OF PRODUCTS.

1. Iowa state industries may produce and sell products to any tax-supported institution or governmental subdivision in any level of government which includes the state, county, city, or school corporation. Iowa state industries may sell products to employees of those entities.

2. Iowa state industries may sell products to nonprofit organizations including parochial schools, churches, or fraternal organizations.

3. Iowa state industries may sell products to nonprofit health care facilities serving Medicaid or social security patients.

Approved May 12, 1988

CHAPTER 1231

AIDS HOME TESTING

H.F. 2106

AN ACT prohibiting the advertisement or sale in this state of home testing kits for human immunodeficiency virus antibody or antigen testing, and providing penalties.

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

Section 1. NEW SECTION. 203A.21 HUMAN IMMUNODEFICIENCY VIRUS HOME TESTING KITS — PROHIBITION.

1. A person shall not advertise for sale, offer for sale, or sell in this state a home testing kit for human immunodeficiency virus antibody or antigen testing.

2. A person who violates this section is guilty of a class "D" felony.

3. The board may seek relief pursuant to section 203A.4 restraining any person from violating the provisions of this section. In addition to granting a temporary or permanent injunction, the court may impose a civil penalty not to exceed forty thousand dollars per violation of this section.

4. In addition to other remedies provided for in this chapter, the court may impose a civil penalty of not more than five thousand dollars for each day of intentional violation of a temporary restraining order, preliminary injunction, or permanent injunction issued under authority of this section.

5. The board may refer available evidence concerning a possible violation of this section to the attorney general. The attorney general, with or without such a referral, may institute appropriate criminal proceedings or may refer the case to the appropriate county attorney.

6. This section does not apply to a newspaper or other print medium in which the advertisement appears, or to a broadcast station or other electronic medium which disseminates the advertisement unless the medium knowingly violates this section. A person who sells home testing kits for human immunodeficiency virus antibody or antigen testing shall not cause advertising of the kits to appear in this state from a location outside this state where such advertising is not prohibited without prominently indicating in the advertisement that the sale of the kits is void in this state.

Approved May 12, 1988

CHAPTER 1232

PRESCRIPTION DRUG DISPENSING

H.F. 2113

AN ACT relating to the dispensing of prescription drugs.

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

Section 1. Section 147.107, subsection 2, Code 1987, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. A physician, dentist, or podiatrist who dispenses prescription drugs, other than drug samples, pursuant to this subsection, shall annually register the fact that they dispense prescription drugs with the practitioner's respective examining board.

NEW UNNUMBERED PARAGRAPH. A physician, dentist, or podiatrist who dispenses prescription drugs, other than drug samples, pursuant to this subsection, shall offer to provide the patient with a written prescription that may be dispensed from a pharmacy of the patient's choice or offer to transmit the prescription to a pharmacy of the patient's choice.

Sec. 2. Section 155A.3, Code Supplement 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 14A. "Drug sample" means a drug that is distributed without consideration to a pharmacist or practitioner.

Sec. 3. **NEW SECTION.** 155A.38 DISPENSING DRUG SAMPLES.

A person authorized pursuant to this chapter to dispense shall, when dispensing drug samples, do so without additional charge to the patient.

Approved May 12, 1988