

CHAPTER 233**PHARMACY AND DRUG LAWS***S.F. 539*

AN ACT relating to the Iowa pharmacy practice Act and assessing fees.

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

Section 1. **NEW SECTION. 155A.13A NONRESIDENT PHARMACY LICENSE — REQUIRED, RENEWAL, DISCIPLINE.**

1. **LICENSE REQUIRED.** A pharmacy located outside of this state which delivers, dispenses, or distributes by any method, prescription drugs or devices to an ultimate user in this state shall obtain a nonresident pharmacy license from the board. The board shall make available an application form for a nonresident pharmacy license and shall require such information it deems necessary to fulfill the purposes of this section. A nonresident pharmacy shall do all of the following in order to obtain a nonresident pharmacy license from the board:

a. Submit a completed application form and an application fee as determined by the board.

b. Submit evidence of possession of a valid license, permit, or registration as a pharmacy in compliance with the laws of the state in which it is located, a copy of the most recent inspection report resulting from an inspection conducted by the regulatory or licensing agency of the state in which it is located, and evidence of compliance with all legal directions and requests for information issued by the regulatory or licensing agency of the state in which it is located.

c. Submit a list of the name, titles, and location of all principal owners, partners, or officers of the nonresident pharmacy, all pharmacists employed by the nonresident pharmacy who deliver, dispense, or distribute by any method prescription drugs to an ultimate user in this state, and of the pharmacist in charge of the nonresident pharmacy. A nonresident pharmacy shall update the list within thirty days of any addition, deletion, or other change to the list.

d. Submit evidence that the nonresident pharmacy maintains records of the controlled substances delivered, dispensed, or distributed to ultimate users in this state.

e. Submit evidence that the nonresident pharmacy provides, during its regular hours of operation for at least six days and for at least forty hours per week, toll-free telephone service to facilitate communication between ultimate users in this state and a pharmacist who has access to the ultimate user's records in the nonresident pharmacy, and that the toll-free number is printed on the label affixed to each container of prescription drugs delivered, dispensed, or distributed in this state.

2. **LICENSE RENEWAL.** A nonresident pharmacy shall renew its license on or before January 1 annually. In order to renew a nonresident pharmacy license, a nonresident pharmacy shall submit a renewal fee as determined by the board, and shall fulfill all of the requirements of subsection 1, paragraphs "b" through "e". A nonresident pharmacy shall pay an additional fee for late renewal for failure to renew a license within thirty-one days after expiration of the license.

3. **DISCIPLINE.** The board may deny, suspend, or revoke a nonresident pharmacy license for any violation of this section, section 155A.15, subsection 2, paragraph "a", "b", "d", "e", "f", "g", "h", or "i", chapter 203B, 204, 204A, 204B, or 205, or a rule of the board.

Sec. 2. Section 155A.15, subsection 2, paragraph d, subparagraph (4), Code 1991, is amended to read as follows:

(4) A manufacturer or wholesaler licensed by the board. However, this chapter does not prohibit a pharmacy from furnishing a prescription drug or device to a licensed health care facility for storage in a secured emergency pharmaceutical supplies container maintained within the facility in accordance with regulations rules of the Iowa department of public health inspections and appeals.

Sec. 3. Section 155A.17, Code 1991, is amended to read as follows:
155A.17 **WHOLESALE DRUG LICENSE.**

1. A person shall not establish, conduct, or maintain a wholesale drug business as defined in this chapter without a license. The license shall be identified as a wholesale drug license.

2. The board shall establish standards for drug wholesaler licensure and may deny, suspend, or revoke a drug wholesale license for failure to meet the standards or for a violation of the laws of this state, another state, or the United States relating to prescription drugs or controlled substances, or for a violation of this chapter, chapter 203B, 204, 204A, 204B, or 205, or a rule of the board.

3. The board shall adopt rules pursuant to chapter 17A on matters pertaining to the issuance of a wholesale drug license. The rules shall provide for conditions of licensure, compliance standards, licensure fees, disciplinary action, and other relevant matters.

4. This section does not apply to a manufacturer's representative acting in the usual course of business or employment as a manufacturer's representative.

Sec. 4. Section 155A.19, subsection 2, Code 1991, is amended to read as follows:

2. A pharmacist shall report in writing to the board within ten days a change of name, address, or place of employment.

Sec. 5. Section 204.302, subsection 1, Code 1991, is amended to read as follows:

1. Every person who manufactures, distributes, or dispenses any controlled substance within this state or who proposes to engage in the manufacture, distribution, or dispensing of any controlled substance within this state, shall obtain annually and maintain a biennial registration issued by the board in accordance with its rules.

Sec. 6. Section 204.304, subsection 1, Code 1991, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. Has committed such acts as would render the registrant's registration under section 204.303 inconsistent with the public interest as determined under that section.

Approved June 4, 1991

CHAPTER 234

SHOOTING FIREARMS ACROSS PUBLIC PROPERTY — OBSTRUCTING HUNTING, FISHING, OR TRAPPING

H.F. 109

AN ACT to prohibit the shooting of a firearm across a public highway, or the intentional obstruction of a person who is lawfully hunting, fishing, or trapping, and subjecting violators to a penalty.

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

Section 1. Section 109.54, Code 1991, is amended to read as follows:

109.54 SHOOTING RIFLE, SHOTGUN, PISTOL, OR REVOLVER OVER WATER OR HIGHWAY.

1. No A person shall at any time not shoot any rifle on or over any of the public waters or public highways of the state or any railroad right-of-way.

2. A person shall not shoot a shotgun with a slug load, pistol, or revolver on or over a public roadway as defined in section 321.1, subsection 50.

3. This section does not apply to any peace officers or military personnel in the performance of their official duties.