

A BILL

FOR AN ACT TO REGULATE THE SALE, BARTER, EXCHANGE, DISTRIBUTION, DEALING IN, GIVING AWAY, DISPENSING, OR THE DISPOSITION IN ANY MANNER OF OPIUM OR COCA LEAVES, THEIR SALTS, DERIVATIVES OR PREPARATIONS, TO REGULATE THE TREATMENT AND TO PROVIDE FOR THE COMMITTAL OF THE HABITUAL USERS OF SUCH DRUGS, AND FOR OTHER PURPOSES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Sales at retail—restricted upon written prescription. That it shall be unlawful for
2 any person to sell, barter, exchange, distribute, give away or in any manner dispose of, at retail
3 or to a consumer, opium or coca leaves, or any compound, manufacture, salt, derivative, or pre-
4 paration thereof, within this state, except upon the original written prescription of a duly licensed
5 physician, dentist or veterinary surgeon, and pursuant to all the requirements of this act.

Sec. 2. Preparations and remedies entirely exempted. That the provisions of this act shall not
2 be construed to apply to the sale, barter, exchange, distribution, giving away, dispensing or the
3 disposition in any manner, or the possession within this state, of preparations and remedies which
4 do not contain more than two grains of morphine, or more than one-eighth of a grain of heroin, or
5 more than one grain of codein, or any salt or derivative of any of them in one fluidounce; or, if a
6 solid or semisolid preparation, in one avoirdupois ounce; or to liniments, ointments, or other pre-
7 parations which are prepared for external use only, except liniments, ointments, and other prepara-
8 tions which contain cocain or any of its salts or alpha or beta eucain or any of their salts or any
9 synthetic substitute for them: Provided, That such remedies and preparations are sold, distributed,
10 given away, dispensed, or possessed as medicines and not for the purpose of evading the intendment
11 and provisions of this act. The provisions of this act shall not apply to decocainized coca leaves
12 or preparations made therefrom; or to other preparations of coca leaves which do not contain
13 cocain.

Sec. 3. Written prescription defined—duties relating thereto. That the original written pre-
2 scription required by the provisions of section 1 of this act shall be signed in full by the duly li-
3 censed physician, dentist or veterinary surgeon issuing it and dated as of the day on which so
4 signed and shall, also, indicate the office address, office hours, and telephone number of such duly
5 licensed physician, dentist or veterinary surgeon, the name and address of the person to whom such

6 written prescription is issued, and, when given by a duly licensed veterinary surgeon, shall indicate,
7 in addition, the kind of animal for the treatment of which such written prescription is issued. No
8 written prescription containing more than four grains of morphin, thirty grains of opium, two
9 grains of heroin, four grains of codein, or two grains of cocain, shall be filled unless the due is-
10 suance and correctness thereof be first verified. No written prescription shall be filled, without suf-
11 ficient verification, if, for any person, the proper issuance and presentation thereof appears question-
12 able. Such verification may be made by telephone, or by some other sufficient method. Such writ-
13 ten prescription shall be exactly filed as soon as received, or as soon thereafter as practicable, but
14 no such written prescription shall be filled more than ten days subsequent to the date on which it
15 was signed. The person filling such written prescription shall write or indicate thereon the date
16 of filling and the date when and the name and address of the person to whom he delivers the drugs
17 so prescribed. Such written prescription shall be filled but once and shall not be copied, except for
18 the purpose of record by the duly licensed physician, dentist or veterinary surgeon issuing it or by
19 the person filling it, and shall be preserved on file, receiving a consecutive file number, by the person
20 filling it, for a period of two years from the day on which such prescription is filled, in such a way
21 as to be readily accessible to inspection by the officers, agents, employes, and officials mentioned
22 in section 8 of this act.

Sec. 4. Written Prescription to be Issued in Course of Professional Practice Only—That it
2 shall be unlawful for any duly licensed physician, dentist or veterinary surgeon to issue the written
3 prescription required by section 1 of this act except in good faith and in the course of his profes-
4 sional practice for medicinal purposes only. It shall be unlawful for any duly licensed veterinary
5 surgeon to prescribe any of the drugs mentioned in this act for the treatment of or consumption by
6 a human being.

Sec. 5. Dispensing by a Physician, Dentist or Veterinary Surgeon—Restricted—That a duly
2 licensed physician, dentist or veterinary surgeon may dispense, distribute or in any manner give,
3 within this state, to his patient any of the drugs mentioned in this act, providing such dispensing,
4 distribution or giving is made in good faith and in the course of his professional practice for medi-
5 cinal purposes only: Provided, further, that such duly licensed physician, dentist or veterinary
6 surgeon shall keep a record of all such drugs so dispensed, distributed or given, showing, in each
7 instance, the amount so dispensed, distributed or given, the date when, and the name and address
8 of the patient to whom such drugs are so dispensed, distributed or given, except such drugs as
9 may be dispensed, distributed or given to a patient upon whom such duly licensed physician, den-
10 tist or veterinary surgeon shall personally attend; and such record shall be kept for a period of
11 two years from the date of dispensing, distributing or giving such drugs, subject to the inspection
12 provided for in section 8 of this act. It shall be unlawful for any duly licensed veterinary sur-

13 geon to dispense, distribute or give any of the drugs mentioned in this act for the treatment of
14 or consumption by a human being.

Sec. 6. Sales at Wholesale—Upon Official Order Forms Only—That, except as provided in
2 the preceding sections of this act, it shall be unlawful for any person to sell, barter, exchange, dis-
3 tribute, give away, or in any manner dispose of, within this state, the drugs mentioned in this act,
4 except in pursuance of a written order, in the form defined in this section, of the person to whom
5 any such drug is sold, bartered, exchanged, distributed, given away or in any manner disposed of.
6 Every person who shall accept any such order, and in pursuance thereof shall sell, barter, exchange,
7 distribute, give away or in any manner dispose of any of the aforesaid drugs, shall preserve such
8 order for a period of two years in such a way as to be readily accessible to inspection by the of-
9 ficers, agents, employes and officials mentioned in section 8 of this act. Every person who shall
10 give an order, as in this section provided, to any other person for any of the aforesaid drugs, shall,
11 at or before the time of giving such order, make or cause to be made a duplicate thereof, in the
12 form defined in this section, and in case of the acceptance of such order, shall preserve such dupli-
13 cate for said period of two years in such a way as to be readily accessible to inspection by the of-
14 ficers, agents, employes and officials mentioned in section 8 of this act. The official order forms
15 and the duplicate copies thereof issued by the commissioner of internal revenue of the United States
16 treasury department under the act of Congress approved December 17, 1914, entitled "An act to
17 provide for the registration of, with collectors of internal revenue, and to impose a special tax
18 upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute,
19 or give away opium or coca leaves, their salts, derivatives, or preparations, and for other pur-
20 poses," shall be the official order forms and duplicate copies thereof required by this section. It
21 shall be unlawful for any person to obtain by means of said order forms any of the aforesaid
22 drugs for any purpose other than the use, sale or distribution thereof by him in the conduct of a
23 lawful business in said drugs or in the legitimate practice of his profession, pursuant to the intend-
24 ment of this act. The provisions of this section requiring official order forms shall not apply—

25 (a) To the sale, exportation, shipment or delivery of any of the aforesaid drugs by any per-
26 son within this state to any person in any foreign country, regulating their entry in accordance
27 with such regulations for importation thereof into such foreign country as are prescribed by the
28 said country, pursuant to such regulations as are promulgated from time to time by the secretary
29 of state of the United States.

30 (b) To the sale, barter, exchange or giving away of any of the aforesaid drugs to any officer
31 of the United States government or of any state, territorial, district, county, or municipal or in-
32 sular government lawfully engaged in making purchases thereof for the various departments of
33 the army and navy, the public health service, and for government, state, territorial, district, county,
34 or municipal or insular hospitals or prisons.

1 Sec. 7. Record of Receipts—That any person who produces, manufactures, compounds, deals
2 in, dispenses, sells, distributes, gives away, or in any manner disposes of, within this state, any of
3 the drugs mentioned in this act, shall, whenever required so to do by the department of health of
4 this state, render to said department a true and correct statement or return, verified by affidavit,
5 setting forth the quantity of the aforesaid drugs received by him in this state during such period
6 immediately preceding the demand of the said department not exceeding three months, as the de-
7 partment may fix and determine; the names of the persons from whom said drugs were received;
8 the quantity in each instance received from each of such persons and the date when received.

1 Sec. 8. Inspection of Records—That the order forms and duplicate copies thereof, the prescrip-
2 tions, and other records required to be preserved under the provisions of sections 3, 5 and 6 of this
3 act, and the statements or returns filed with the department of health under the provisions of sec-
4 tion 7 of this act, shall be open to inspection by the department of health through its duly author-
5 ized officers, agents, and employes, and by such officers, agents, or employes of any organized
6 municipality within this state as shall be duly charged with the enforcement of any municipal or-
7 dinance or provision regulating the sale, prescribing, dispensing, dealing in, or distribution of the
8 drugs mentioned in this act, and, also, by the officers, agents and employes of the United States
9 treasury department duly authorized to make similar inspection under the act of Congress approved
10 December 17, 1914, hereinbefore mentioned. Any such officer, agent or employe who shall dis-
11 close or use the information contained in said statements or returns, or in said order forms or dup-
12 licate copies thereof, or in the other records mentioned in this section, except as herein expressly
13 provided, and except for the purpose of enforcing the provisions of this act or the act of Congress
14 approved December 17, 1914, hereinbefore mentioned, and except for the purpose of enforcing any
15 ordinance of any organized municipality within this state, regulating the sale, prescribing, dispens-
16 ing, dealing in, or distribution of the aforesaid drugs, and except in the public interest, unless di-
rected by a court, shall, on conviction, be fined or imprisoned as provided by section 19 of this
act.

1 Sec. 9. Habitual Users—Treatment Recorded—That a duly licensed physician who, in the course
2 of his professional practice, and not for the purpose of evading the provisions of this act, prescribes
3 for, dispenses or in any manner gives any of the drugs mentioned in this act to a patient known to
4 him as an habitual user of such drugs shall keep a record of all such drugs so prescribed, dispensed
5 or given, showing, in each instance, the amount so prescribed, dispensed or given, the date when,
6 and the name and address of the patient for or to whom such drugs are so prescribed, dispensed or
7 given, which record shall be preserved for a period of two years from the date of such prescribing,
8 dispensing or giving in such a manner as to be readily accessible to inspection by the departement
9 of health.

Sec. 10. Habitual Users-Commitment:—That whenever a complaint shall be made
2 to any magistrate that any person is addicted to the use of the drugs mentioned in this Act in a man-
3 ner contrary to the public welfare, and such use is not prescribed, directed or approved by a duly
4 licensed physician acting in the course of his professional practice pursuant to the provisions of this
5 Act, and such magistrate, after a fair hearing held upon a reasonable notice, is satisfied that the
6 complaint is sufficiently founded, he may commit such person to State, County or City hospital or
7 institution. Whenever it shall appear to any magistrate that such person is no longer addicted
8 to the use of the aforesaid drugs in a manner contrary to the public welfare, or in his discretion, he
9 may order a discharge from such commitment. The provisions of this section shall not be con-
10 strued to prohibit any person committed to any institution under its provisions from appealing to
11 any court having jurisdiction for a review of the sufficiency of the evidence upon which the com-
12 mitment was made.

Sec. 11. Revocation of License of Habitual User:—That the board of officers of this
2 State duly empowered to issue a license to a physician, dentist, veterinary surgeon, phar-
3 macist or nurse, authorizing the practice of his profession in this state, may, at anytime, and after
4 a fair hearing held upon a reasonable notice, revoke such license upon the production of sufficient
5 evidence that the licensee is addicted to the use of the drugs mentioned in this Act in a manner
6 contrary to the public welfare. Whenever, it shall appear to such board of officers that such phy-
7 sician, dentist, veterinary surgeon, pharmacist or nurse is no longer addicted to the use of the afore-
8 said drugs in a manner contrary to the public welfare they may reissue said license.

Sec. 12. Revocation of License After Conviction:—That a duly licensed physician, dentist, vet-
2 erinary surgeon, pharmacist or nurse duly convicted of a substantial violation of this Act shall be
3 liable to a revocation of his license by the board or officers of this State, duly empowered to issue
4 such license, after a fair hearing held upon a reasonable notice, provided such revocation shall be
5 in the public interest. Such board or officers may, in their discretion, reissue such license.

Sec. 13. Unlawful Delivery Prohibited:—That it shall be unlawful for any person to send, ship,
2 carry or deliver any of the aforesaid drugs within this state in a manner contrary to the provisions
3 of this Act: Provided, That nothing contained in this section shall be construed to apply to the de-
4 livery of the aforesaid drugs to common carriers or warehousemen, provided the requirements of
5 this Act are in all other respects complied with; or to the handling of the aforesaid drugs by any
6 employee or agent, acting within the scope of his employment or agency, of any person dealing in
7 such drugs pursuant to all the requirements of this Act; or to the delivery of the aforesaid drugs by
8 a duly licensed physician, dentist or veterinary surgeon to a nurse for administration to his patient
9 under the direction and supervision of such duly licensed physician, dentist or veterinary surgeon in
10 the course of his professional practice.

Sec. 14. Unlawful Possession Defined:—That it shall be unlawful for any person to have in his possession or under his control any of the drugs mentioned in this Act, if such possession or control is obtained in a manner contrary to the provisions of this Act; and such possession or control shall be presumptive evidence of a violation of this Act; Provided, That this section shall not apply to the possession or control of the aforesaid drugs by any employee or agent, acting within the scope of his employment or agency, of any person dealing in such drugs pursuant to all the requirements of this Act, and such possession or control does not operate to evade any of the provisions or the intendment of this Act; or to the possession or control by a nurse for medicinal treatment only and not on his own account, acting under the supervision and direction of a duly licensed physician, dentist or veterinary surgeon engaged in the legitimate practice of his profession; or to the possession or control of the aforesaid drugs by any United States, State, County, Municipal or other duly authorized public officer or official who has such possession or control by reason of his official duties; or to the possession or control of the aforesaid drugs by a warehouseman or a common carrier holding such possession or control under the direction of a person who has received such drugs pursuant to the requirements of this Act; Provided, further, That it shall not be necessary to negative any of the aforesaid exemptions in any complaint, information or indictment or other writ or proceeding laid or brought under this Act and the burden of proof of any such exemption shall be upon the defendant.

Sec. 15. Rules:—That the rules and regulations made by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury for carrying into effect the Act of Congress approved December 17th, 1914, hereinbefore mentioned, shall, so far as applicable, be adopted for the enforcement of this Act.

Sec. 16. Enforcement:—That the State Department of Health shall be charged with the duty of enforcing the provisions of this Act, and such Department is hereby authorized to appoint such inspectors, agents or other assistants as may be necessary to enforce the provisions of this Act.

Sec. 17. Appropriations:—That the sum of Three Thousand Five Hundred (\$3,500.00) Dollars, or so much thereof as may be necessary, be, and hereby is, appropriated out of any money in the Treasury of the State not otherwise appropriated for the purpose of carrying into effect the provisions of this Act.

Sec. 18. Person Defined:—That the word "person" as used in this Act shall be construed to mean and include a partnership, association, company or corporation, as well as a natural person.

Sec. 19. Penalty:—That any person who violates or fails to comply with any of the requirements of this Act shall, on conviction, be punished by a fine of not more than one thousand dollars, or by imprisonment for not more than three years, or by both such fine and imprisonment in the discretion of the court.

Sec. 20. Repeal:—That all Acts and parts of Acts in conflict with this Act are hereby repealed.