

February 23, 1965.

Passed on File.

Senate File 330

By GRIFFIN.

Passed Senate, Date *January 25 1965* *5/20*

Passed House, Date *6/1*

Vote: Ayes *57* Nays *0*

Vote: Ayes *104* Nays *1*

Approved.....

Seffing committee 5/25

A BILL FOR

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1 Chapter two hundred four (204), Code 1962, is hereby repealed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

1 Section 1. The following words and phrases, as used in this
2 Act, shall have the following meanings, unless the context other-
3 wise requires:

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

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

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

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

17 5. "Manufacturer" means a person who produces or prepares a
18 narcotic drug, either directly or indirectly, by extraction from

19 substances of vegetable origin, or independently by means of
20 chemical synthesis, or by a combination of extraction and chemi-
21 cal synthesis, or by compounding, mixing, cultivating, growing,
22 or any other process, but does not include a pharmacist who com-
23 pounds narcotic drugs to be sold or dispensed on prescription
24 order.

25 6. "Wholesaler" means a person who supplies narcotic drugs
26 that he himself has not produced or prepared, on official writ-
27 ten orders, but not on prescription orders.

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

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

36 9. "Sale" means barter, exchange, gift, or offer therefor, and
37 each such transaction made by any person, whether as principal,
38 proprietor, agent, servant, or employee.

39 10. "Narcotic drug" means any of the following, alone, in
40 combination, or mixed with other ingredients:

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

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

44 c. "Marijuana" means all parts of the plant *cannabis sativa* L.,
45 whether growing or not, the seeds thereof, the resin extracted
46 from any part of such plant, and every compound, manufacture,

47 salt, derivative, mixture, or preparation of such plant, its seeds,
48 or resin, but shall not include the mature stalks of such plant,
49 fiber produced from such stalks, oil, or cake made from the seeds
50 of such plant, any other compound, manufacture, salt, derivative,
51 mixture, or preparation of such mature stalks, except the resin
52 extracted therefrom, fiber, oil, or cake, or the sterilized seed
53 of such plant which is incapable of germination.

54 d. Any substance and any compound, manufacture, salt, deriva-
55 tive, or preparation thereof, whether produced directly or indi-
56 rectly by extraction from substances of vegetable origin, or in-
57 dependently by means of chemical synthesis, or by a combination
58 of extraction and chemical synthesis, which is neither chemically
59 nor physically distinguishable from any of the substances referred
60 to in paragraphs a, b, or c.

61 e. "Opiate" means any drug or other substance proclaimed to
62 be a narcotic drug by rule or regulation of the board after rea-
63 sonable notice and opportunity of hearing. "Opiate" means any
64 drug or other substance and any compound, manufacture, salt, de-
65 rivative, or preparation thereof which has been or may be found
66 by the secretary of the treasury of the United States or his
67 delegate, after due notice and opportunity for public hearing,
68 to have an addiction-forming or addiction-sustaining liability
69 similar to morphine or cocaine or to be capable of conversion into
70 a drug having such addiction-forming or addiction-sustaining
71 liability, where the relative technical simplicity and degree of
72 yield of such conversion create a risk of improper use and pro-
73 claimed by the secretary or his delegate to have been so found
74 in the federal register; but a drug or other substance shall cease

75 to be an "opiate" for the purposes of this section if such find-
76 ing is duly withdrawn by the secretary or his delegate.

77 Except that the words "narcotic drug" shall not include deco-
78 cainized cocoa leaves or extracts of cocoa leaves, which extracts
79 do not contain cocaine or ecgonine.

80 11. "Propagate" means distribute, leave with, give away, dis-
81 pose of, or deliver.

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

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

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

93 15. "Registry number" means the number assigned to each per-
94 son registered under the federal narcotic laws.

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

1 Sec. 2. It shall be unlawful for any person to manufacture,
2 possess, have under his control, sell, purchase, prescribe, ad-
3 minister, dispense, compound, or propagate any narcotic drug, or
4 any preparation containing a narcotic drug, except as authorized
5 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,

3 and no person as a wholesaler shall supply the same, without having
4 first obtained a license so to do from the board.

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

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

7 b. That the applicant is equipped as to land, buildings, and
8 equipment to properly carry on the business described in his ap-
9 plication.

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

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

16 a. A licensee's conviction of violating or conspiring to vio-
17 late any law of the United States or of any state where the of-
18 fense involves any activity or transaction with respect to nar-
19 cotic drugs; or

20 b. A licensee's violation or failure to comply with any duly
21 promulgated rule or regulation of the board.

1 Sec. 5. 1. A duly licensed manufacturer or wholesaler may
2 sell and propagate narcotic drugs to any of the following persons,
3 but only 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
7 or in that hospital.

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

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

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

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

31 2. An official written order for any narcotic drug shall be
32 signed in triplicate by the person giving said order or by his
33 duly authorized agent. The original shall be presented to the

34 person who sells or propagates the narcotic drug or drugs named
35 therein. Upon the acceptance of such order by said person, each
36 party to the transaction shall preserve his copy of such order
37 for a period of five (5) years in such a way as to be readily
38 accessible for inspection by any public officer or employee en-
39 gaged in the enforcement of this Act. It shall be deemed a com-
40 pliance with this subsection if the parties to the transaction
41 have complied with the federal narcotic laws, respecting the
42 requirements governing the use of order forms.

43 3. Possession of or control of narcotic drugs obtained as
44 authorized by this section shall be lawful if in the regular
45 course of business, occupation, profession, employment, or duty
46 of the possessor; but nothing in this Act shall be construed as
47 conferring on a person who is not registered nor licensed as a
48 medical practitioner or as a pharmacist any authority, right, or
49 privilege that is not granted to him by the medical practice or
50 pharmacy laws of this state.

51 4. A person in charge of a hospital or of a laboratory, or in
52 the employ of this state or of any other state, or of any politi-
53 cal subdivision thereof, or a master of a ship or a person in
54 charge of any aircraft upon which no physician is regularly em-
55 ployed, or a physician or surgeon duly licensed in some state,
56 territory, or the District of Columbia, to practice his profes-
57 sion, or a retired commissioned medical officer of the United
58 States army, navy, or public health service employed upon such
59 ship or aircraft, who obtains a narcotic drug under the provisions
60 of this section or otherwise, shall not administer, nor dispense,
61 nor otherwise use such drug within the state, except within the

62 scope of his employment or official duty, and then only for sci-
63 entific or medicinal purposes and subject to the provisions of
64 this Act.

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

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

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

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

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

31 d. If the oral prescription order is for an animal, the spe-
32 cies of the animal for which the drug is prescribed.

33 3. The pharmacist dispensing an oral or written prescription
34 order under this section shall write the date of dispensing and
35 his own signature on the face of the prescription order. The
36 oral or written prescription order shall be retained in a sepa-
37 rate file by the proprietor of the pharmacy in which it is dis-
38 pensed for a period of five (5) years, so as to be readily acces-
39 sible for inspection by any public officer or employee engaged in
40 the enforcement of this chapter. The oral or written prescription
41 order shall not be renewed.

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

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

1 Sec. 7. 1. A physician or a dentist, in good faith and in

2 the course of his professional practice only, may prescribe,
3 administer, and dispense narcotic drugs, or he may cause the same
4 to be administered by a nurse or intern under his direction and
5 supervision.

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

11 3. Any person who has obtained from a medical practitioner
12 any narcotic drug for administration to a patient during the ab-
13 sence of such medical practitioner shall return to such practi-
14 tioner any unused portion of such drug, when it is no longer re-
15 quired by the patient.

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

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

10 b. Not to permit recovery of a narcotic drug having such lia-
11 bility, with relative technical simplicity and degree of yield as
12 to create a risk of improper use.

13 2. In exercising the authority granted in subsection one (1)
14 of this section, the board, by regulation and without special

15 findings, may grant an exempt status to such pharmaceutical prep-
16 arations of narcotic drugs as are or may be determined to be
17 exempt under the federal narcotic laws and regulations and permit
18 the administering, dispensing, or selling of such preparations
19 under conditions and by persons the board may prescribe.

20 3. If the board shall determine that any exempt preparation
21 does not possess a degree of addiction liability that, in its opinion,
22 results in abusive use, the board shall by regulation publish its
23 determination. The determination shall be final and the exempt
24 status shall cease to apply to such preparation sixty (60) days
25 after the publication date of the determination.

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

28 a. The preparation administered, dispensed, or sold, shall
29 contain, in addition to the narcotic drug in it, some drug or
30 drugs conferring upon it medicinal qualities other than those
31 possessed by the narcotic drug alone.

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

35 c. Only a pharmacist shall sell at retail or dispense such a
36 preparation.

1 Sec. 9. Medical practitioners, manufacturers, wholesalers,
2 pharmacies, pharmacists, hospitals, laboratories, and every per-
3 son who purchases for resale or who sells narcotic drugs, shall
4 keep such records as may be required by the board relating to re-
5 ceipt, manufacture, inventory, distribution, including dispensing,
6 administering, sale, or other disposition, and information as to

7 narcotics stolen, lost, or destroyed. In every case the record
8 of narcotic drugs received shall show the date of receipt, the
9 name and address of the person from whom received, and the kind
10 and quantity of drugs received; the kind and quantity of narcotic
11 drugs produced or removed from process of manufacture, and the
12 date of such production or removal from process of manufacture.
13 The record of all narcotic drugs sold, administered, dispensed,
14 or otherwise disposed of, shall show the date of selling, admin-
15 istering, or dispensing, the name and address of the person to
16 whom, or for whose use, or the owner and species of animal for
17 which the drugs were sold, administered, or dispensed and the
18 kind and quantity of drugs.

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

1 Sec. 10. 1. Whenever a manufacturer sells or propagates a
2 narcotic drug, and whenever a wholesaler sells or propagates a
3 narcotic in a package prepared by him, he shall securely affix to
4 each package in which that drug is contained a label showing in
5 legible English the name and address of the vendor and the quan-
6 tity, kind, and form of narcotic drug contained therein. No per-
7 son, except a pharmacist, for the purpose of dispensing a pre-
8 scription order under this Act, shall alter, deface, or remove

9 any label so affixed.

10 2. Whenever a pharmacist sells or dispenses any narcotic drug
11 on a prescription order issued by a medical practitioner, he
12 shall affix to the container in which such drug is sold or dis-
13 pensed, a label showing his own name, address, and registry num-
14 ber, or the name, address, and registry number of the pharmacy
15 for whom he is lawfully acting; the name and address of the pa-
16 tient or, if the patient is an animal, the name and address of
17 the owner of the animal and the species of the animal; the name,
18 address, and registry number of the medical practitioner by whom
19 the prescription was written; and such directions as may be stated
20 on the prescription order. No person shall alter, deface, or re-
21 move any label so affixed.

1 Sec. 11. 1. A person to whom, or for whose use, any narcotic
2 drug has been prescribed, sold, or dispensed, by a medical prac-
3 titioner or pharmacist, or other person authorized under the pro-
4 visions of section five (5) of this Act, and the owner of any ani-
5 mal for which any such drug has been prescribed, sold, or dispens-
6 ed by a veterinarian, may lawfully possess such drug and then
7 only in the container in which it was delivered to him by the per-
8 son selling or dispensing the same.

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

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

1 Sec. 12. The provisions of this Act restricting the possession
2 and having control of narcotic drugs shall not apply to common
3 carriers or to warehousemen, while engaged in lawfully transport-
4 ing or storing such drugs, or to any employee of the carrier or
5 warehouseman acting within the scope of his employment; or to
6 public officers or their employees in the performance of their
7 official duties requiring possession or control of narcotic drugs,
8 to a pharmacy, or to temporary incidental possession by employees
9 or agents of persons lawfully entitled to possession, or by per-
10 sons whose possession is for the purpose of aiding public officers
11 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
3 to by narcotic drug addicts for the purpose of using narcotic
4 drugs or which is used for the illegal keeping or selling of the
5 same, shall be deemed a common nuisance. No person shall keep or
6 maintain such a common nuisance.

1 Sec. 14. All narcotic drugs, the lawful possession of which
2 is not established or the title to which cannot be ascertained,
3 or obsolete or distressed narcotic drugs, which have come into

4 the custody of a peace officer, shall be forfeited, and disposed
5 of as follows:

6 1. Except as otherwise provided in this section, the court or
7 magistrate having jurisdiction shall order such narcotic drugs
8 forfeited and destroyed. A record of the place where said drugs
9 were seized, of the kinds and quantities of drugs so destroyed,
10 and of the time, place, and manner of destruction, shall be kept,
11 and a return under oath, reporting said destruction, shall be
12 made to the court or magistrate and to the secretary of the treas-
13 ury of the United States, or his delegate, by the officer who
14 destroys them.

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

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

27 4. The board shall keep a full and complete record of all
28 drugs received and of all drugs disposed of, showing the exact
29 kinds, quantities, and forms of such drugs, the person from whom
30 received, and to whom delivered, by whose authority received,
31 delivered, and destroyed and the dates of the receipt, disposal,

32 or destruction, which record shall be open to inspection by all
33 federal or state officers charged with the enforcement of federal
34 and state narcotic laws.

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

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

1 Sec. 17. 1. No person shall obtain or attempt to obtain a
2 narcotic drug, or procure or attempt to procure the administra-

3 tion of a narcotic drug:

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

5 b. By the forgery or alteration of a prescription order or of
6 any 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
10 effort unlawfully to procure a narcotic drug, or unlawfully to
11 procure the administration of any such drug, shall not be deemed
12 a privileged communication.

13 3. No person shall willfully make a false statement in any
14 prescription order, report, record, or order required by this Act.

15 4. No person shall, for the purpose of obtaining a narcotic
16 drug, falsely assume the title of, or represent himself to be, a
17 manufacturer, wholesaler, pharmacy, pharmacist, medical practi-
18 tioner, or other authorized person.

19 5. No person shall make or utter any false or forged prescrip-
20 tion order or false or forged written order.

21 6. No person shall affix any false or forged label to a pack-
22 age or receptacle containing narcotic drugs.

23 7. The provisions of this section shall apply to all transac-
24 tions relating to narcotic drugs under the provisions of section
25 eight (8) of this Act, in the same way as they apply to transac-
26 tions under all other sections.

1 Sec. 18. In any complaint, information, or indictment, and in
2 any action or proceeding brought for the enforcement of any pro-
3 vision of this Act, it shall not be necessary to negative any
4 exception, excuse, proviso, or exemption, contained in this Act,

5 and the burden of proof of any such exception, excuse, proviso,
6 or exemption, shall be upon the defendant.

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

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

14 3. Officers, agents, inspectors, and representatives of the
15 board shall have the power of and status as peace officers when
16 enforcing the provisions of this Act.

1 Sec. 20. 1. Any person violating any provision of this Act,
2 except as otherwise provided shall upon conviction be fined not
3 more than two thousand (2,000) dollars and shall be imprisoned in
4 the state penitentiary not less than two (2) or more than five
5 (5) years. For a second offense or, if in case of a first con-
6 viction of violation of any provision of this Act, the offender
7 shall previously have been convicted of any violation of the laws
8 of the United States, or of any other state, territory, or dis-
9 trict relating to narcotic drugs, or marijuana the offender shall
10 be fined no more than two thousand (2,000) dollars and be im-

11 prisoned in the state penitentiary not less than five (5) nor
12 more than ten (10) years. For a third (3rd) or subsequent offense.
13 or if the offender shall previously have been convicted two (2)
14 or more times in the aggregate of any violation of the laws of
15 the United States or of any other state, territory, or district
16 relating to the narcotic drugs or marijuana, the offender shall
17 be fined not more than two thousand (2,000) dollars and be im-
18 prisoned in the state penitentiary not less than ten (10) nor
19 more than twenty (20) years.

20 2. Any person violating any provision of this Act by selling,
21 prescribing, or administering any narcotic drug to a minor shall
22 upon conviction thereof be punished by imprisonment in the state
23 penitentiary for not less than five (5) or more than twenty (20)
24 years.

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

31 4. For violation of the provisions of this Act the imposition
32 or execution of sentence shall not be suspended and probation or
33 parole shall not be granted until the maximum imprisonment herein
34 provided for this offense shall have been served.

1 Sec. 21. No person shall be prosecuted for a violation of any
2 provision of this Act if such person has been acquitted or con-
3 victed under the federal narcotic laws of the same act or omis-
4 sion which, it is alleged, constitutes a violation of this Act.

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

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

1 Sec. 24. This Act may be cited as the uniform narcotic drug
 2 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
 3 Mapleton Press, a newspaper published in Mapleton, Iowa, and in
 4 The Woodbine Twiner, a newspaper published in Woodbine, Iowa.

SENATE FILE 330

- 1 Amend Senate File 330 as follows:
 2 1. By adding to section 8 the following new subsection:
 3 "Except as otherwise provided, this Act shall not apply to the
 4 administering, dispensing, or selling of any preparation contain-
 5 ing not more than one (1) grain (64.8 mg.) of codeine, or any of
 6 its salts, per one (1) fluid ounce (29.5729 cc.) or per one (1)
 7 avoirdupois ounce (28.3 gms.), when such pharmaceutical prepara-
 8 tions of narcotic drugs are administered, dispensed, or sold by
 9 persons and under conditions prescribed by the board."
 10 2. Amend section 20 by striking lines
 11 31 through 34 and inserting in lieu thereof the
 12 following:
 13 "4. For violation of the provisions of this Act concerning
 14 the manufacturing, selling, administering to another person, or
 15 dispensing a narcotic drug, the imposition or execution of sentence
 16 shall not be suspended and probation or parole shall not be granted
 17 until the minimum imprisonment herein provided for the offense
 18 shall have been served."

Filed
 March 17, 1965.

adapted 5/20

By GRIFFIN.

SENATE FILE 330

- 1 Amend Senate File 330 as follows:
 2 1. Amend section 1, line 8, by inserting after the word
 3 "beings" the words "or animals".
 4 2. Amend section 14, line 3, by striking the words "obsolete
 5 or distressed" and inserting in lieu thereof "excess or
 6 undesired".

Filed
 April 14, 1965.

adapted 5/20

By GRIFFIN.