

FILED JAN 22 1980

SENATE FILE 2070

By GENTLEMAN

Passed Senate, Date 2-25-80 (p. 553) Passed House, Date _____

Vote: Ayes 39 Nays 0 Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act to allow multi-year professional and occupational
2 licenses.

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

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1 Section 1. Section one hundred fourteen point eighteen
2 (114.18), Code 1979, is amended to read as follows:

3 114.18 EXPIRATIONS AND RENEWALS. Certificates of
4 registration shall expire ~~annually~~ as determined by the board.
5 It shall be the duty of the secretary of the board to notify
6 every person registered under this chapter, of the date of
7 expiration of ~~his~~ the certificate and the amount of the fee
8 that shall be required for its renewal ~~for-one-year~~; such
9 notice shall be mailed at least one month in advance of the
10 date of the expiration of ~~said~~ the certificate. Renewal may
11 be effected by the payment of a fee the amount of which shall
12 be determined by the board. The failure on the part of any
13 registrant to renew ~~his~~ a certificate ~~annually~~ in the month
14 of expiration as required above shall not deprive ~~such~~ a
15 person of the right of renewal. A person who fails to renew
16 ~~his~~ a certificate by the expiration date shall be allowed
17 to do so within thirty days following its expiration, but
18 the board may assess a reasonable penalty. For the duration
19 of any war in which the United States is engaged the board
20 may, in its discretion, defer the collection of renewal fees
21 without penalty, which have or may become due from registered
22 professional engineers who are employed in the war effort,
23 and residing outside the state, or who are members of the
24 armed forces of the United States, and may renew the
25 engineering certificates of ~~said~~ registered professional
26 engineers.

27 Sec. 2. Section one hundred sixteen point twelve (116.12),
28 Code 1979, is amended to read as follows:

29 116.12 RENEWALS. Licenses as accounting practitioners
30 shall expire ~~annually~~ as determined by the board. The board
31 shall notify every person licensed under this chapter of the
32 date of expiration of ~~his~~ the license and the amount of the
33 fee required for its renewal ~~for-one-year~~. The notice shall
34 be mailed at least one month in advance of the expiration
35 date. A person who fails to renew ~~his~~ a license to practice

1 as an accounting practitioner by the expiration date shall
2 be allowed to do so within thirty days following its
3 expiration, but the board may assess a reasonable penalty.

4 Sec. 3. Section one hundred sixteen point twenty (116.20),
5 subsection one (1), Code 1979, is amended to read as follows:

6 1. The certificate of certified public accountant granted
7 by the board under section 116.5 and the registration with
8 the board as a public accountant under section 116.6, and
9 the license to practice as an accounting practitioner under
10 section 116.7 or 116.8 shall be renewed ~~annually~~ as determined
11 by the board. There shall be ~~an-annual~~ a renewal fee, in
12 the amount to be determined from time to time by the board,
13 ~~not-to-exceed-fifty-dollars~~.

14 ⁵¹⁴⁹⁷ Sec. 4. Section one hundred eighteen point ten (118.10),
15 Code 1979, is amended to read as follows:

16 118.10 RENEWALS. Certificates of registration shall
17 expire ~~annually~~ as determined by the board. Registered
18 architects shall renew their certificates of registration
19 and pay a renewal fee in the manner prescribed by the board.
20 A person who fails to renew ~~his~~ a certificate of registration
21 by the expiration date shall be allowed to do so within thirty
22 days following its expiration, but the board may assess a
23 reasonable penalty.

24 Sec. 5. Section one hundred eighteen A point thirteen
25 (118A.13), Code 1979, is amended to read as follows:

26 118A.13 RENEWALS. Certificates of registration shall
27 expire ~~annually~~ as determined by the board. Registered
28 landscape architects shall renew their certificates of
29 registration and pay a renewal fee in the manner and amount
30 prescribed by the board. A person who fails to renew ~~his~~
31 a certificate by the expiration date shall be allowed to do
32 so within thirty days following its expiration, but the board
33 may assess a reasonable penalty.

34 Sec. 6. Section one hundred twenty point eight (120.8),
35 subsection four (4), Code 1979, is amended to read as follows:

1 4. Every certificate of registration shall expire ~~annually~~,
2 and ~~shall~~ be renewed ~~annually~~ as determined by the board upon
3 application by the holder thereof, without examination.
4 Application for ~~such~~ renewal shall be made in writing to the
5 department, accompanied by a renewal fee in an amount
6 determined by the board based upon the cost of renewing the
7 certificate, at least thirty days prior to the expiration
8 of such certificate. Every renewal shall be displayed in
9 connection with the original certificate. The board shall
10 notify each certificate holder by mail of the expiration of
11 ~~his~~ a certificate. A person who fails to renew ~~his~~ a
12 certificate by the expiration date shall be allowed to do
13 so within thirty days following its expiration, but the board
14 may assess a reasonable penalty.

15 Sec. 7. Section one hundred twenty point nine (120.9),
16 Code 1979, is amended to read as follows:

17 120.9 APPRENTICE WATCHMAKERS. Any person sixteen years
18 of age or over, apprenticed to a registered watchmaker, may
19 pursue the trade of watchmaking upon obtaining from the board
20 a certificate of registration as an apprenticed watchmaker,
21 which certificate shall be conspicuously displayed at all
22 times in the place of employment of such apprentice. No
23 apprentice certificate shall be renewed unless the application
24 therefor shall be accompanied by a sworn statement of the
25 employer or employers as to the length of time the applicant
26 has been actually employed under ~~his~~ a certificate in the
27 pursuit of the watchmaking trade. Apprentice watchmakers
28 shall pay a fee in an amount determined by the board for the
29 certificate which shall expire ~~annually~~ as determined by the
30 board and shall pay a renewal fee ~~annually~~ in an amount
31 determined by the board. A person who fails to renew ~~his~~
32 a certificate by the expiration date shall be allowed to do
33 so within thirty days following its expiration, but the board
34 may assess a reasonable penalty. Any applicant for a
35 certificate of registration as a watchmaker who fails to pass

1 the examination provided for herein may in the discretion
2 of the board be issued a certificate as an apprentice
3 watchmaker.

4 Sec. 8. Section one hundred thirty-five E point five
5 (135E.5), Code 1979, is amended to read as follows:

6 135E.5 LICENSE FEES. Each person licensed as a nursing
7 home administrator shall be required to pay a license fee
8 in an amount to be fixed by the board. ~~Said~~ The license shall
9 expire ~~annually~~ and ~~shall~~ be renewable ~~annually~~ and upon
10 payment of the license fee. A person who fails to renew ~~his~~
11 a license by the expiration date shall be allowed to do so
12 within thirty days following its expiration, but the board
13 may assess a reasonable penalty.

14 Sec. 9. Section one hundred thirty-five E point ten
15 (135E.10), Code 1979, is amended to read as follows:

16 135E.10 RENEWAL OF LICENSE. Every holder of a nursing
17 home administrator's license shall renew it ~~annually~~ by making
18 application to the board, except that ~~biennially~~ the individual
19 requesting renewal shall submit evidence satisfactory to the
20 board of continued education in this field. Such renewals
21 shall be granted as a matter of course unless the board finds,
22 after due notice and hearing, that the applicant has acted
23 or failed to act in accordance with the rules or in such a
24 manner or under such circumstances as would constitute grounds
25 for suspension or revocation of a license.

26 Sec. 10. Section one hundred forty-seven point ten
27 (147.10), Code 1979, is amended to read as follows:

28 147.10 RENEWAL. Every license to practice a profession
29 shall expire ~~annually-as-determined-by-the-board~~ and ~~shall~~
30 be renewed ~~annually~~ as determined by the board upon application
31 by the licensee, without examination. Application for ~~such~~
32 renewal shall be made in writing to the department accompanied
33 by the required fee at least thirty days prior to the
34 expiration of such license. Every renewal shall be displayed
35 in connection with the original license. ~~Every-year-the~~ The

1 department shall notify each licensee by mail ~~of~~ prior to
2 the expiration of ~~his~~ a license. Failure to renew the license
3 within a reasonable time after the expiration shall not
4 invalidate the license, but a reasonable penalty may be
5 assessed by the board.

6 Sec. 11. Section one hundred forty-seven point eighty
7 (147.80), unnumbered paragraph one (1) and subsection twelve
8 (12), Code 1979, are amended to read as follows:

9 An examining board shall set the fees for the examination
10 of applicants, which fees shall be based upon the annual cost
11 of administering the examinations. An examining board shall
12 set the annual fees, except renewal fees which need not be
13 annual, required for any of the following based upon the cost
14 of sustaining the board and the actual costs of licensing:

15 12. A nurse who does not engage in nursing during the
16 year succeeding the ~~annual~~ expiration of the license shall
17 notify the board to place the nurse upon the inactive list
18 and the nurse shall not be required to pay the renewal fee
19 so long as he or she remains inactive and so notifies the
20 board. To resume nursing, the nurse shall notify the board
21 and remit the renewal fee for the current ~~annual~~ period.

22 Sec. 12. Section one hundred forty-seven point one hundred
23 (147.100), Code 1979, is amended to read as follows:

24 147.100 EXPIRATIONS AND RENEWALS. Licenses shall expire
25 ~~annually~~ as determined by the examining board. A person who
26 fails to renew ~~his~~ a license by the expiration date shall
27 be allowed to do so within thirty days following its
28 expiration, but the examining board may assess a reasonable
29 penalty.

30 Sec. 13. Section one hundred forty-seven A point six
31 (147A.6), subsection two (2), Code 1979, is amended to read
32 as follows:

33 2. An EMT certificate shall be valid ~~for-two-years-from~~
34 ~~the-date-of-its-issuance~~ for the period determined by the
35 board, unless sooner suspended or revoked. Such a certificate

1 shall be renewed upon application of the holder if he or she
2 has satisfactorily completed ongoing educational programs
3 established or approved by the department with the concurrence
4 of the board.

5 Sec. 14. Section one hundred forty-eight point five
6 (148.5), Code 1979, is amended to read as follows:

7 148.5 RESIDENT PHYSICIAN'S LICENSE. Any physician, who
8 is a graduate of a medical school and is serving only as a
9 resident physician and who is not licensed to practice medicine
10 and surgery in this state, shall be required to obtain from
11 the medical examiners a temporary or special license to
12 practice as a resident physician. The license shall be
13 designated "Resident Physician License" and shall authorize
14 the licensee to serve as a resident physician only, under
15 the supervision of a licensed practitioner of medicine and
16 surgery, in an institution approved for this purpose by the
17 medical examiners. Such license shall be valid for one year
18 and may be ~~annually~~ renewed at the discretion of the medical
19 examiners. The fee for this license shall be set by the board
20 to cover the administrative costs of issuing the license,
21 and if extended beyond one year, ~~an-annual~~ a renewal fee as
22 set by the board shall be required. The medical examiners
23 shall determine in each instance those eligible for this
24 license, whether or not examinations shall be given, and the
25 type of examinations. No requirements of the law pertaining
26 to regular permanent licensure shall be mandatory for this
27 resident licensure except as specifically designated by the
28 medical examiners. The granting of a resident physician's
29 license does not in any way indicate that the person so
30 licensed is necessarily eligible for regular licensure, nor
31 are the medical examiners in any way obligated to so license
32 such individual. The medical examiners shall revoke the
33 license at any time they shall determine either that the
34 caliber of work done by a licensee or the type of supervision
35 being given such licensee does not conform to reasonable

1 standards established by the medical examiners.

2 Sec. 15. Section one hundred forty-eight point ten
3 (148.10), unnumbered paragraph two (2), Code 1979, is amended
4 to read as follows:

5 The temporary certificate shall be issued for one year
6 and, at the discretion of the medical examiners may be renewed,
7 but no person shall be entitled to practice medicine and
8 surgery or osteopathic medicine and surgery in excess of three
9 years while holding a temporary certificate. The fee for
10 this license shall be set by the medical examiners and if
11 extended beyond one year ~~an-annual~~ a renewal fee per year
12 shall be set by the medical examiners. The fees shall be
13 based on the administrative costs of issuing and renewing
14 the licenses. The medical examiners may cancel a temporary
15 certificate at any time, without a hearing, for reasons deemed
16 sufficient to the medical examiners.

17 Sec. 16. Section one hundred fifty A point nine (150A.9),
18 Code 1979, is amended to read as follows:

19 150A.9 RESIDENT LICENSE. Any osteopathic physician and
20 surgeon who is a graduate of a college of osteopathic medicine
21 and surgery approved by the medical examiners and is serving
22 only as a resident osteopathic physician and surgeon and who
23 is not licensed to practice osteopathic medicine and surgery
24 in this state, shall be required to obtain from the medical
25 examiners a temporary or special license to practice as a
26 resident osteopathic physician and surgeon. The license shall
27 be designated "Resident Osteopathic Physician and Surgeon
28 License", and shall authorize the licensee to serve as a
29 resident only, under the supervision of a licensed practitioner
30 of osteopathic medicine and surgery, in an institution approved
31 for this purpose by the medical examiners. Such license shall
32 be valid for one year and may be ~~annually~~ renewed at the
33 discretion of the medical examiners. The fee for this license
34 shall be set by the board and based on the cost of issuing
35 the license, and if extended beyond one year, ~~an-annual~~ a

1 renewal fee shall be required. The medical examiners shall
2 determine in each instance those eligible for this license,
3 whether or not examinations shall be given, and the type of
4 examinations. No requirements of the law pertaining to regular
5 permanent licensure shall be mandatory for this resident
6 licensure except as specifically designated by the medical
7 examiners. The granting of a resident osteopathic physician
8 and surgeon's license does not in any way indicate that the
9 person so licensed is necessarily eligible for regular
10 licensure, nor are the medical examiners in any way obligated
11 to so license such individual. The medical examiners shall
12 revoke said license at any time they shall determine either
13 that the caliber of work done by the licensee or the type
14 of supervision being given such licensee does not conform
15 to reasonable standards established by the medical examiners.

16 Sec. 17. Section one hundred fifty-three point twenty-
17 two (153.22), Code 1979, is amended to read as follows:

18 153.22 RESIDENT DENTIST LICENSE. Any dentist, who is
19 a graduate of an accredited dental school and is serving only
20 as a resident, intern or graduate student dentist and who
21 is not licensed to practice dentistry in this state, shall
22 be required to obtain from the board of dentistry a temporary
23 or special license to practice as a resident, intern or
24 graduate dentist. The license shall be designated "Resident
25 Dentist License" and shall authorize the licensee to serve
26 as a resident, intern or graduate student only, under the
27 supervision of a licensed practitioner of dentistry, in an
28 institution approved for this purpose by the board. Such
29 license shall be valid for one year and may be annually renewed
30 at the discretion of the board ~~for a period not to exceed~~
31 ~~three additional years~~. The fee for this license and the
32 annual renewal fee shall be set by the board based upon the
33 cost of issuance of the license. The board shall determine
34 in each instance those eligible for this license, whether
35 or not examinations shall be given, and the type of

1 examination. No requirements of the law pertaining to regular
2 permanent licensure shall be mandatory for this resident
3 licensure except as specifically designated by the board.
4 The granting of a resident dentist's license does not in any
5 way indicate that the person so licensed is necessarily
6 eligible for regular licensure, nor is the board in any way
7 obligated to so license such individual. The board may revoke
8 said license at any time it shall determine either that the
9 caliber of work done by a licensee or the type of supervision
10 being given such licensee does not conform to reasonable
11 standards established by the board.

12 Sec. 18. Section one hundred fifty-four point six (154.6),
13 Code 1979, is amended to read as follows:

14 154.6 EXPIRATION AND RENEWAL OF LICENSES. Every license
15 to practice optometry shall expire ~~annually~~ as determined
16 by the board. Application for renewal of such license shall
17 be made in writing to the department of health at least thirty
18 days prior to the ~~annual~~ expiration date, accompanied by the
19 required renewal fee and the affidavit of the licensee or
20 other proof satisfactory to the department and to the Iowa
21 state board of optometry examiners, that ~~said~~ the applicant
22 has annually attended, since the issuance of the last license
23 to ~~said~~ the applicant, an educational program or clinic as
24 conducted by the Iowa optometric association, or its
25 equivalent, for a period of at least two days. The attendance
26 requirement at ~~said~~ the educational program or clinic shall
27 not be conditioned upon membership in ~~said~~ the Iowa optometric
28 association. Nonmembers shall be admitted to ~~said~~ the annual
29 educational program or clinic upon payment of their pro rata
30 share of the cost. In lieu of attendance at the ~~said~~ annual
31 educational program or clinic, it shall be the duty of the
32 board of optometry examiners to recognize and approve
33 attendance at local optometric study group meetings as shall,
34 in the judgment of ~~said~~ the board, constitute an equivalent
35 to attendance at the annual educational program of ~~said~~ the

1 association.

2 Sec. 19. Section one hundred fifty-four point seven
3 (154.7), Code 1979, is amended to read as follows:

4 154.7 NOTICE OF EXPIRATION. Notice of expiration of the
5 ~~annual~~ license to practice optometry shall be given by the
6 state department of health to all certificate holders by
7 mailing ~~said~~ the notice to the last known address of such
8 licensee at least seventy-five days prior to the expiration
9 date, and ~~said~~ the notice shall contain a statement of the
10 educational program attendance requirement and the amount
11 of legal fee required as a condition to the renewal of the
12 license ~~for-the-coming-year~~. Subject to the provisions of
13 this chapter, ~~said~~ the license shall be renewed without
14 examination.

15 Sec. 20. Section one hundred fifty-four A point fifteen
16 (154A.15), Code 1979, is amended to read as follows:

17 154A.15 LICENSE RENEWAL. Licenses shall be renewed
18 ~~annually~~ in a manner determined by the board. The renewal
19 fee shall be determined by the board pursuant to section
20 154A.17. The department shall notify every person licensed
21 under this chapter of the date of expiration of ~~his~~ the license
22 and the amount of fee required for its renewal ~~for-one-year~~.
23 The notice shall be mailed at least one month in advance of
24 the expiration date. A person who fails to renew ~~his~~ a license
25 by the expiration date shall be allowed to do so within thirty
26 days following its expiration, but the board may assess a
27 reasonable penalty.

28 Sec. 21. Section one hundred fifty-five point twelve
29 (155.12), unnumbered paragraphs one (1) and two (2), Code
30 1979, are amended to read as follows:

31 Licenses shall be obtained from the board for each and
32 every place of business. Applications shall be upon ~~such~~
33 forms and shall contain ~~such~~ information as the board may
34 reasonably require. Each application for license shall be
35 made by the pharmacist-owner to the secretary of the board,

1 accompanied by the license fee, which shall be paid over into
2 the state treasury and credited to the general fund if the
3 license is issued. The license fee for a pharmacy license
4 or a wholesale drug license shall be set by the board and
5 based upon the administrative costs of issuing the licenses.
6 ~~These licenses shall be due annually on the first day of each~~
7 ~~January-~~ The board shall issue a license upon receipt of
8 an application accompanied by the license fee and after
9 approval thereof by the board.

10 Each license shall be issued only for the premises and
11 to the persons named in the application and shall not be
12 transferred or assigned. If a corporation or other business
13 entity licensee elects to change or replace the pharmacist-
14 manager within ~~an annual~~ a registration period, a new license
15 shall be obtained from the board.

16 Sec. 22. Section one hundred fifty-five point thirteen
17 (155.13), unnumbered paragraph one (1), Code 1979, is amended
18 to read as follows:

19 Each license issued under this chapter unless sooner
20 suspended or revoked, shall be renewable ~~annually~~ upon payment
21 of the ~~annual~~ license fee. The board shall have the authority
22 to deny, suspend or revoke a license in any case where it
23 finds that there has been a substantial failure to comply
24 with the provisions of this chapter or the regulations
25 promulgated hereunder, or the violation thereof, and in
26 addition the board shall have the power to deny, suspend or
27 revoke a license, when the applicant or licensee, or any
28 employee, providing the offense is committed on licensed
29 premises or is in the conduct of the business licensed, is
30 guilty of any of the following facts or offenses:

31 Sec. 23. Section one hundred sixty-nine point twelve
32 (169.12), unnumbered paragraph one (1), Code 1979, is amended
33 to read as follows:

34 All licenses shall expire ~~annually on June 30~~ as determined
35 by the board but may be renewed by registration with the board

1 and payment of the registration renewal fee established and
2 published by the board. ~~On or before June 1 of each year,~~
3 Prior to expiration the secretary shall mail a notice to each
4 licensed veterinarian that the license will expire ~~on June~~
5 ~~30~~ and shall provide the licensee with a form for registration.

6 Sec. 24. Section two hundred fifty-eight A point three
7 (258A.3), subsection one (1), paragraph j, Code 1979, is
8 amended to read as follows:

5149 9 j. Determine and administer the ~~annual~~ renewal of licenses.

10 Sec. 25. Section four hundred fifty-five B point fifty-
11 eight (455B.58), Code 1979, is amended to read as follows:

12 455B.58 DURATION. Certificates shall ~~continue in effect~~
13 ~~from the date of issuance until the following June 30~~ be for
14 the period determined by the board unless sooner revoked by
15 the executive director, but such certificates shall remain
16 the property of the department and the certificate shall so
17 state. The fee for issuance of certificates as determined
18 under section 455B.61 shall be prorated on a quarterly basis
19 for any original certificate issued for a period of less than
20 twelve months. A person who fails to renew a certificate
21 ~~by June 30 following its issuance~~ prior to its expiration

5200 22 shall be allowed to do so ~~by July 31~~, but the executive
23 director may assess a reasonable penalty as established by
24 rule of the commission.

25 Sec. 26. Section six hundred ten point forty-five (610.45),
26 Code 1979, is amended to read as follows:

27 610.45 RENEWALS. The right to practice law in this state
5149 28 shall be renewed ~~annually~~ by the supreme court upon such
29 conditions as the court shall determine. Any moneys received
30 from those persons admitted to practice law and which are
31 designated for a client security fund or similar fund created
32 by the supreme court shall be separately retained and
33 administered by said court in accordance with rules promulgated
34 by it.

35 Sec. 27. This Act is effective January first following

1 its enactment.

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EXPLANATION

3 This bill authorizes the issuance of multi-year licenses
4 for the following occupations and professions: engineers,
5 accounting practitioners, certified public accountants,
6 architects, landscape architects, watchmakers, nursing home
7 administrators, speech pathologists, audiologists, emergency
8 medical technicians, physicians, podiatrists, osteopathic
9 physicians, physical therapists, nurses, dentists, dental
10 hygienists, optometrists, hearing aid dealers, pharmacists,
11 funeral directors, barbers, cosmetologists, wastewater
12 treatment operators and attorneys.

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S-5149

1 Amend Senate File 2070 as follows:

2 1. Page 2, by inserting after line 13 the
3 following:

4 "Sec. _____. Section one hundred seventeen point
5 twenty-seven (117.27), Code 1979, is amended to read
6 as follows:

7 117.27 FEES. The commission shall set ~~annual~~
8 fees, ~~except-renewal-fees-which-need-not-be-annual,~~
9 for examination and licensing of real estate brokers,
10 real estate salespersons and real estate apprentice
11 salespersons. The commission shall determine the
12 annual cost of administering the examination and shall
13 set the examination fee accordingly. The commission
14 shall set the fees for the real estate broker's
15 licenses, for real estate salesperson's licenses and
16 for real estate apprentice salesperson's licenses
17 based upon the administrative costs of sustaining
18 the commission. The fees shall include, but shall
19 not be limited to, the costs for:

- 20 1. Per diem, expenses, and travel for commission
21 members.
22 2. Office facilities, supplies, and equipment.
23 3. Director, assistants, and clerical assistance.

24 Sec. _____. Section one hundred seventeen point
25 twenty-eight (117.28), Code 1979, is amended to read
26 as follows:

27 117.28 EXPIRATION OF LICENSE. Every license,
28 except a license as a real estate apprentice
29 salesperson which shall expire as provided in section
30 117.15, shall expire as determined by the commission.
31 A person who fails to renew ~~his~~ a real estate broker's
32 or real estate salesperson's license by the expiration
33 date shall be allowed to do so within thirty days
34 following its expiration, but the commission may
35 assess a reasonable penalty. The commission shall
36 upon the written request of the applicant on forms
37 prescribed by the commission, and payment of the fee
38 therefor as herein required, issue a new license for
39 each ensuing year license period except as provided
40 in section 117.15, in the absence of any reason or
41 condition which might warrant the revocation of a
42 license after a hearing as provided in sections 117.34
43 and 117.35.

44 Sec. _____. Section one hundred seventeen point
45 twenty-nine (117.29), unnumbered paragraph two (2),
46 Code 1979, is amended to read as follows:

47 The revocation of a broker's license shall
48 automatically suspend every real estate salesperson's
49 license and every real estate apprentice salesperson's
50 license granted to any person by virtue of his or

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1 her employment by the broker whose license has been
2 revoked, pending a change of employer and the issuance
3 of a new license. Such new license shall be issued
4 upon payment of a fee in an amount determined by the
5 commission based upon the administrative costs
6 involved, if granted during the same year license
7 period in which the original license was granted.
8 Sec. _____. Section one hundred seventeen point
9 thirty-three (117.33), Code 1979, is amended to read
10 as follows:

11 117.33 SALESPERSONS OR APPRENTICES--CHANGE OF
12 EMPLOYMENT. When any real estate salesperson or real
13 estate apprentice salesperson shall be discharged
14 or shall terminate ~~his~~ employment with the real estate
15 broker by whom he or she is employed, it shall be
16 the duty of such real estate broker to immediately
17 deliver or mail by certified mail to the commission
18 such real estate salesperson's or real estate
19 apprentice salesperson's license on the reverse side
20 of which the employing broker shall set out the date
21 and cause of termination of employment. The real
22 estate broker shall at the time of mailing such real
23 estate salesperson's or real estate apprentice
24 salesperson's license to the commission address a
25 communication to the last known residence address
26 of such real estate salesperson or real estate
27 apprentice salesperson stating that ~~his~~ the license
28 has been delivered or mailed to the commission. A
29 copy of such communication to the real estate
30 salesperson or real estate apprentice salesperson
31 shall accompany the license when mailed or delivered
32 to the commission. It shall be unlawful for any real
33 estate salesperson or real estate apprentice
34 salesperson to perform any of the acts contemplated
35 by this chapter either directly or indirectly under
36 authority of said license from and after the date
37 of receipt of said license by the commission; provided,
38 that another license shall not be issued to such real
39 estate salesperson or real estate apprentice
40 salesperson until he or she shall return ~~his~~ the
41 former pocket card to the commission or shall
42 satisfactorily account to them for the same. The
43 commission shall upon presentation of evidence by
44 the salesperson or apprentice salesperson that he
45 or she has been employed by another broker issue
46 another license and pocket card for the balance of
47 the current year license period showing each change
48 of employment. A fee as determined by the commission
49 will be charged for the issuance of such a license.
50 Not more than one license shall be issued to any real

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A 1 estate salesperson or real estate apprentice
2 salesperson for the same period of time."

3 2. Page 12, line 9, by inserting after the word
4 "licenses" the words "for periods not exceeding three
5 years".

6 3. Page 12, line 28, by inserting after the word

B
WLA 7 "annually" the words "for a period not exceeding three
8 years".

9 4. By renumbering the sections to conform with
A 10 this amendment.

S-5149 FILED
FEBRUARY 18, 1980

BY FORREST V. SCHWENGELS

A- Adopted 2/25 (p. 553)

SENATE FILE 2070

S-5200

1 Amend Senate File 2070 as follows:

2 1. Page 12, line 22, by inserting after the words
3 "~~by July 31~~" the words "within thirty days following
4 its expiration".

S-5200 FILED & ADOPTED (p. 553) BY JULIA B. GENTLEMAN
FEBRUARY 25, 1980

(AS AMENDED AND PASSED BY THE SENATE FEBRUARY 25, 1980)

Passed Senate, Date 4/25/80 (p. 1751) Passed House, Date 4/24/80 (p. 2042)

Vote: Ayes 40 Nays 4 Vote: Ayes 77 Nays 0

Approved May 23, 1980

A BILL FOR

1 An Act to allow multi-year professional and occupational
2 licenses.

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

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————— = New Language
by the Senate

2010 version

1 Section 1. Section one hundred fourteen point eighteen
2 (114.18), Code 1979, is amended to read as follows:

3 114.18 EXPIRATIONS AND RENEWALS. Certificates of
x 4 registration shall expire ~~annually~~ as determined by the board.
5 It shall be the duty of the secretary of the board to notify
6 every person registered under this chapter, of the date of
7 expiration of ~~his~~ the certificate and the amount of the fee
8 that shall be required for its renewal ~~for-one-year~~; such
9 notice shall be mailed at least one month in advance of the
10 date of the expiration of ~~said~~ the certificate. Renewal may
11 be effected by the payment of a fee the amount of which shall
12 be determined by the board. The failure on the part of any
13 registrant to renew ~~his~~ a certificate ~~annually~~ in the month
14 of expiration as required above shall not deprive ~~such~~ a
15 person of the right of renewal. A person who fails to renew
16 ~~his~~ a certificate by the expiration date shall be allowed
17 to do so within thirty days following its expiration, but
18 the board may assess a reasonable penalty. For the duration
19 of any war in which the United States is engaged the board
20 may, in its discretion, defer the collection of renewal fees
21 without penalty, which have or may become due from registered
22 professional engineers who are employed in the war effort,
23 and residing outside the state, or who are members of the
24 armed forces of the United States, and may renew the
25 engineering certificates of ~~said~~ registered professional
26 engineers.

27 Sec. 2. Section one hundred sixteen point twelve (116.12),
28 Code 1979, is amended to read as follows:

29 116.12 RENEWALS. Licenses as accounting practitioners
x 30 shall expire ~~annually~~ as determined by the board. The board
31 shall notify every person licensed under this chapter of the
32 date of expiration of ~~his~~ the license and the amount of the
33 fee required for its renewal ~~for-one-year~~. The notice shall
34 be mailed at least one month in advance of the expiration
35 date. A person who fails to renew ~~his~~ a license to practice

1 as an accounting practitioner by the expiration date shall
2 be allowed to do so within thirty days following its
3 expiration, but the board may assess a reasonable penalty.

4 Sec. 3. Section one hundred sixteen point twenty (116.20),
5 subsection one (1), Code 1979, is amended to read as follows:

6 1. The certificate of certified public accountant granted
7 by the board under section 116.5 and the registration with
8 the board as a public accountant under section 116.6, and
9 the license to practice as an accounting practitioner under
10 section 116.7 or 116.8 shall be renewed annually as determined
11 by the board. There shall be ~~an annual~~ a renewal fee, in
12 the amount to be determined from time to time by the board,
13 ~~not to exceed fifty dollars.~~

14 Sec. 4. Section one hundred seventeen point twenty-seven
15 (117.27), Code 1979, is amended to read as follows:

16 117.27 FEES. The commission shall set annual fees, except
17 renewal fees which need not be annual, for examination and
18 licensing of real estate brokers, real estate salespersons
19 and real estate apprentice salespersons. The commission shall
20 determine the annual cost of administering the examination
21 and shall set the examination fee accordingly. The commission
22 shall set the fees for the real estate broker's licenses,
23 for real estate salesperson's licenses and for real estate
24 apprentice salesperson's licenses based upon the administrative
25 costs of sustaining the commission. The fees shall include,
26 but shall not be limited to, the costs for:

- 27 1. Per diem, expenses, and travel for commission members.
28 2. Office facilities, supplies, and equipment.
29 3. Director, assistants, and clerical assistance.

30 Sec. 5. Section one hundred seventeen point twenty-eight
31 (117.28), Code 1979, is amended to read as follows:

32 117.28 EXPIRATION OF LICENSE. Every license, except a
33 license as a real estate apprentice salesperson which shall
34 expire as provided in section 117.15, shall expire as
35 determined by the commission. A person who fails to renew

1 ~~his~~ a real estate broker's or real estate salesperson's license
2 by the expiration date shall be allowed to do so within thirty
3 days following its expiration, but the commission may assess
4 a reasonable penalty. The commission shall upon the written
5 request of the applicant on forms prescribed by the commission,
6 and payment of the fee therefor as herein required, issue
7 a new license for each ensuing year license period except
8 as provided in section 117.15, in the absence of any reason
9 or condition which might warrant the revocation of a license
10 after a hearing as provided in sections 117.34 and 117.35.

11 Sec. 6. Section one hundred seventeen point twenty-nine
12 (117.29), unnumbered paragraph two (2), Code 1979, is amended
13 to read as follows:

14 The revocation of a broker's license shall automatically
15 suspend every real estate salesperson's license and every
16 real estate apprentice salesperson's license granted to any
17 person by virtue of his or her employment by the broker whose
18 license has been revoked, pending a change of employer and
19 the issuance of a new license. Such new license shall be
20 issued upon payment of a fee in an amount determined by the
21 commission based upon the administrative costs involved, if
22 granted during the same year license period in which the
23 original license was granted.

24 Sec. 7. Section one hundred seventeen point thirty-three
25 (117.33), Code 1979, is amended to read as follows:

26 117.33 SALESPERSONS OR APPRENTICES--CHANGE OF EMPLOYMENT.
27 When any real estate salesperson or real estate apprentice
28 salesperson shall be discharged or shall terminate his
29 employment with the real estate broker by whom he or she is
30 employed, it shall be the duty of such real estate broker
31 to immediately deliver or mail by certified mail to the
32 commission such real estate salesperson's or real estate
33 apprentice salesperson's license on the reverse side of which
34 the employing broker shall set out the date and cause of
35 termination of employment. The real estate broker shall at

1 the time of mailing such real estate salesperson's or real
2 estate apprentice salesperson's license to the commission
3 address a communication to the last known residence address
4 of such real estate salesperson or real estate apprentice
5 salesperson stating that his the license has been delivered
6 or mailed to the commission. A copy of such communication
7 to the real estate salesperson or real estate apprentice
8 salesperson shall accompany the license when mailed or
9 delivered to the commission. It shall be unlawful for any
10 real estate salesperson or real estate apprentice salesperson
11 to perform any of the acts contemplated by this chapter either
12 directly or indirectly under authority of said license from
13 and after the date of receipt of said license by the
14 commission; provided, that another license shall not be issued
15 to such real estate salesperson or real estate apprentice
16 salesperson until he or she shall return his the former pocket
17 card to the commission or shall satisfactorily account to
18 them for the same. The commission shall upon presentation
19 of evidence by the salesperson or apprentice salesperson that
20 he or she has been employed by another broker issue another
21 license and pocket card for the balance of the current year
22 license period showing each change of employment. A fee as
23 determined by the commission will be charged for the issuance
24 of such a license. Not more than one license shall be issued
25 to any real estate salesperson or real estate apprentice
26 salesperson for the same period of time.

27 Sec. 8. Section one hundred eighteen point ten (118.10),
28 Code 1979, is amended to read as follows:

29 118.10 RENEWALS. Certificates of registration shall
30 expire ~~annually~~ as determined by the board. Registered
31 architects shall renew their certificates of registration
32 and pay a renewal fee in the manner prescribed by the board.
33 A person who fails to renew his a certificate of registration
34 by the expiration date shall be allowed to do so within thirty
35 days following its expiration, but the board may assess a

1 reasonable penalty.

2 Sec. 9. Section one hundred eighteen A point thirteen
3 (118A.13), Code 1979, is amended to read as follows:

4 118A.13 RENEWALS. Certificates of registration shall
x 5 expire ~~annually~~ as determined by the board. Registered
6 landscape architects shall renew their certificates of
7 registration and pay a renewal fee in the manner and amount
8 prescribed by the board. A person who fails to renew ~~his~~
9 a certificate by the expiration date shall be allowed to do
10 so within thirty days following its expiration, but the board
11 may assess a reasonable penalty.

12 Sec. 10. Section one hundred twenty point eight (120.8),
13 subsection four (4), Code 1979, is amended to read as follows:

14 4. Every certificate of registration shall expire ~~annually~~,
x 15 and ~~shall~~ be renewed ~~annually~~ as determined by the board upon
16 application by the holder thereof, without examination.
17 Application for ~~such~~ renewal shall be made in writing to the
18 department, accompanied by a renewal fee in an amount
19 determined by the board based upon the cost of renewing the
20 certificate, at least thirty days prior to the expiration
21 of such certificate. Every renewal shall be displayed in
22 connection with the original certificate. The board shall
23 notify each certificate holder by mail of the expiration of
24 ~~his~~ a certificate. A person who fails to renew ~~his~~ a
25 certificate by the expiration date shall be allowed to do
26 so within thirty days following its expiration, but the board
27 may assess a reasonable penalty.

28 2950 Sec. 11. Section one hundred twenty point nine (120.9),
29 Code 1979, is amended to read as follows:

30 120.9 APPRENTICE WATCHMAKERS. Any person sixteen years
31 of age or over, apprenticed to a registered watchmaker, may
32 pursue the trade of watchmaking upon obtaining from the board
33 a certificate of registration as an apprenticed watchmaker,
34 which certificate shall be conspicuously displayed at all
35 times in the place of employment of such apprentice. No

1 apprentice certificate shall be renewed unless the application
2 therefor shall be accompanied by a sworn statement of the
3 employer or employers as to the length of time the applicant
4 has been actually employed under his a certificate in the
5 pursuit of the watchmaking trade. Apprentice watchmakers
6 shall pay a fee in an amount determined by the board for the
7 certificate which shall expire annually as determined by the
8 board and shall pay a renewal fee annually in an amount
9 determined by the board. A person who fails to renew his
10 a certificate by the expiration date shall be allowed to do
11 so within thirty days following its expiration, but the board
12 may assess a reasonable penalty. Any applicant for a
13 certificate of registration as a watchmaker who fails to pass
14 the examination provided for herein may in the discretion
15 of the board be issued a certificate as an apprentice
16 watchmaker.

17 Sec. 12. Section one hundred thirty-five E point five
18 (135E.5), Code 1979, is amended to read as follows:

19 135E.5 LICENSE FEES. Each person licensed as a nursing
20 home administrator shall be required to pay a license fee
21 in an amount to be fixed by the board. ~~Said~~ The license shall
22 expire annually and ~~shall~~ be renewable annually and upon
23 payment of the license fee. A person who fails to renew his
24 a license by the expiration date shall be allowed to do so
25 within thirty days following its expiration, but the board
26 may assess a reasonable penalty.

27 Sec. 13. Section one hundred thirty-five E point ten
28 (135E.10), Code 1979, is amended to read as follows:

29 135E.10 RENEWAL OF LICENSE. Every holder of a nursing
30 home administrator's license shall renew it annually by making
31 application to the board, except that ~~biennially~~ the individual
32 requesting renewal shall submit evidence satisfactory to the
33 board of continued education in this field. Such renewals
34 shall be granted as a matter of course unless the board finds,
35 after due notice and hearing, that the applicant has acted

1 or failed to act in accordance with the rules or in such a
2 manner or under such circumstances as would constitute grounds
3 for suspension or revocation of a license.

4 Sec. 14. Section one hundred forty-seven point ten
5 (147.10), Code 1979, is amended to read as follows:

6 147.10 RENEWAL. Every license to practice a profession
7 shall expire ~~annually-as-determined-by-the-board~~ and shall
8 be renewed ~~annually~~ as determined by the board upon application
9 by the licensee, without examination. Application for ~~such~~
10 renewal shall be made in writing to the department accompanied
11 by the required fee at least thirty days prior to the
12 expiration of such license. Every renewal shall be displayed
13 in connection with the original license. ~~Every-year-the~~ The
14 department shall notify each licensee by mail ~~of~~ prior to
15 the expiration of ~~his~~ a license. Failure to renew the license
16 within a reasonable time after the expiration shall not
17 invalidate the license, but a reasonable penalty may be
18 assessed by the board.

19 Sec. 15. Section one hundred forty-seven point eighty
20 (147.80), unnumbered paragraph one (1) and subsection twelve
21 (12), Code 1979, are amended to read as follows:

22 An examining board shall set the fees for the examination
23 of applicants, which fees shall be based upon the annual cost
24 of administering the examinations. An examining board shall
25 set the annual fees, except renewal fees which need not be
26 annual, required for any of the following based upon the cost
27 of sustaining the board and the actual costs of licensing:

28 12. A nurse who does not engage in nursing during the
29 year succeeding the ~~annual~~ expiration of the license shall
30 notify the board to place the nurse upon the inactive list
31 and the nurse shall not be required to pay the renewal fee
32 so long as he or she remains inactive and so notifies the
33 board. To resume nursing, the nurse shall notify the board
34 and remit the renewal fee for the current ~~annual~~ period.

35 Sec. 16. Section one hundred forty-seven point one hundred

1 (147.100), Code 1979, is amended to read as follows:

2 147.100 EXPIRATIONS AND RENEWALS. Licenses shall expire
3 ~~annually~~ as determined by the examining board. A person who
4 fails to renew ~~his~~ a license by the expiration date shall
5 be allowed to do so within thirty days following its
6 expiration, but the examining board may assess a reasonable
7 penalty.

8 Sec. 17. Section one hundred forty-seven A point six
9 (147A.6), subsection two (2), Code 1979, is amended to read
10 as follows:

11 2. An EMT certificate shall be valid ~~for two years from~~
12 ~~the date of its issuance~~ for the period determined by the
13 board, unless sooner suspended or revoked. Such a certificate
14 shall be renewed upon application of the holder if he or she
15 has satisfactorily completed ongoing educational programs
16 established or approved by the department with the concurrence
17 of the board.

18 Sec. 18. Section one hundred forty-eight point five
19 (148.5), Code 1979, is amended to read as follows:

20 148.5 RESIDENT PHYSICIAN'S LICENSE. Any physician, who
21 is a graduate of a medical school and is serving only as a
22 resident physician and who is not licensed to practice medicine
23 and surgery in this state, shall be required to obtain from
24 the medical examiners a temporary or special license to
25 practice as a resident physician. The license shall be
26 designated "Resident Physician License" and shall authorize
27 the licensee to serve as a resident physician only, under
28 the supervision of a licensed practitioner of medicine and
29 surgery, in an institution approved for this purpose by the
30 medical examiners. Such license shall be valid for one year
31 and may be ~~annually~~ renewed at the discretion of the medical
32 examiners. The fee for this license shall be set by the board
33 to cover the administrative costs of issuing the license,
34 and if extended beyond one year, ~~an annual~~ a renewal fee as
35 set by the board shall be required. The medical examiners

1 shall determine in each instance those eligible for this
2 license, whether or not examinations shall be given, and the
3 type of examinations. No requirements of the law pertaining
4 to regular permanent licensure shall be mandatory for this
5 resident licensure except as specifically designated by the
6 medical examiners. The granting of a resident physician's
7 license does not in any way indicate that the person so
8 licensed is necessarily eligible for regular licensure, nor
9 are the medical examiners in any way obligated to so license
10 such individual. The medical examiners shall revoke the
11 license at any time they shall determine either that the
12 caliber of work done by a licensee or the type of supervision
13 being given such licensee does not conform to reasonable
14 standards established by the medical examiners.

15 Sec. 19. Section one hundred forty-eight point ten
16 (148.10), unnumbered paragraph two (2), Code 1979, is amended
17 to read as follows:

18 The temporary certificate shall be issued for one year
19 and, at the discretion of the medical examiners may be renewed,
20 but no person shall be entitled to practice medicine and
21 surgery or osteopathic medicine and surgery in excess of three
22 years while holding a temporary certificate. The fee for
23 this license shall be set by the medical examiners and if
24 extended beyond one year ~~an annual~~ a renewal fee per year
25 shall be set by the medical examiners. The fees shall be
26 based on the administrative costs of issuing and renewing
27 the licenses. The medical examiners may cancel a temporary
28 certificate at any time, without a hearing, for reasons deemed
29 sufficient to the medical examiners.

30 Sec. 20. Section one hundred fifty A point nine (150A.9),
31 Code 1979, is amended to read as follows:

32 150A.9 RESIDENT LICENSE. Any osteopathic physician and
33 surgeon who is a graduate of a college of osteopathic medicine
34 and surgery approved by the medical examiners and is serving
35 only as a resident osteopathic physician and surgeon and who

1 is not licensed to practice osteopathic medicine and surgery
2 in this state, shall be required to obtain from the medical
3 examiners a temporary or special license to practice as a
4 resident osteopathic physician and surgeon. The license shall
5 be designated "Resident Osteopathic Physician and Surgeon
6 License", and shall authorize the licensee to serve as a
7 resident only, under the supervision of a licensed practitioner
8 of osteopathic medicine and surgery, in an institution approved
9 for this purpose by the medical examiners. Such license shall
10 be valid for one year and may be ~~annually~~ renewed at the
11 discretion of the medical examiners. The fee for this license
12 shall be set by the board and based on the cost of issuing
13 the license, and if extended beyond one year, ~~an-annual~~ a
14 renewal fee shall be required. The medical examiners shall
15 determine in each instance those eligible for this license,
16 whether or not examinations shall be given, and the type of
17 examinations. No requirements of the law pertaining to regular
18 permanent licensure shall be mandatory for this resident
19 licensure except as specifically designated by the medical
20 examiners. The granting of a resident osteopathic physician
21 and surgeon's license does not in any way indicate that the
22 person so licensed is necessarily eligible for regular
23 licensure, nor are the medical examiners in any way obligated
24 to so license such individual. The medical examiners shall
25 revoke said license at any time they shall determine either
26 that the caliber of work done by the licensee or the type
27 of supervision being given such licensee does not conform
28 to reasonable standards established by the medical examiners.

29 Sec. 21. Section one hundred fifty-three point twenty-
30 two (153.22), Code 1979, is amended to read as follows:

31 153.22 RESIDENT DENTIST LICENSE. Any dentist, who is
32 a graduate of an accredited dental school and is serving only
33 as a resident, intern or graduate student dentist and who
34 is not licensed to practice dentistry in this state, shall
35 be required to obtain from the board of dentistry a temporary

1 or special license to practice as a resident, intern or
2 graduate dentist. The license shall be designated "Resident
3 Dentist License" and shall authorize the licensee to serve
4 as a resident, intern or graduate student only, under the
5 supervision of a licensed practitioner of dentistry, in an
6 institution approved for this purpose by the board. Such
7 license shall be valid for one year and may be ~~annually~~ renewed
8 at the discretion of the board ~~for a period not to exceed~~
9 ~~three additional years~~. The fee for this license and the
10 annual renewal fee shall be set by the board based upon the
11 cost of issuance of the license. The board shall determine
12 in each instance those eligible for this license, whether
13 or not examinations shall be given, and the type of
14 examination. No requirements of the law pertaining to regular
15 permanent licensure shall be mandatory for this resident
16 licensure except as specifically designated by the board.
17 The granting of a resident dentist's license does not in any
18 way indicate that the person so licensed is necessarily
19 eligible for regular licensure, nor is the board in any way
20 obligated to so license such individual. The board may revoke
21 said license at any time it shall determine either that the
22 caliber of work done by a licensee or the type of supervision
23 being given such licensee does not conform to reasonable
24 standards established by the board.

25 Sec. 22. Section one hundred fifty-four point six (154.6),
26 Code 1979, is amended to read as follows:

27 154.6 EXPIRATION AND RENEWAL OF LICENSES. Every license
28 to practice optometry shall expire ~~annually~~ as determined
29 by the board. Application for renewal of such license shall
30 be made in writing to the department of health at least thirty
31 days prior to the ~~annual~~ expiration date, accompanied by the
32 required renewal fee and the affidavit of the licensee or
33 other proof satisfactory to the department and to the Iowa
34 state board of optometry examiners, that ~~said~~ the applicant
35 has annually attended, since the issuance of the last license

1 to ~~said~~ the applicant, an educational program or clinic as
2 conducted by the Iowa optometric association, or its
3 equivalent, for a period of at least two days. The attendance
4 requirement at ~~said~~ the educational program or clinic shall
5 not be conditioned upon membership in ~~said~~ the Iowa optometric
6 association. Nonmembers shall be admitted to ~~said~~ the annual
7 educational program or clinic upon payment of their pro rata
8 share of the cost. In lieu of attendance at the ~~said~~ annual
9 educational program or clinic, it shall be the duty of the
10 board of optometry examiners to recognize and approve
11 attendance at local optometric study group meetings as shall,
12 in the judgment of ~~said~~ the board, constitute an equivalent
13 to attendance at the annual educational program of ~~said~~ the
14 association.

15 Sec. 23. Section one hundred fifty-four point seven
16 (154.7), Code 1979, is amended to read as follows:

17 154.7 NOTICE OF EXPIRATION. Notice of expiration of the
18 ~~annual~~ license to practice optometry shall be given by the
19 state department of health to all certificate holders by
20 mailing ~~said~~ the notice to the last known address of such
21 licensee at least seventy-five days prior to the expiration
22 date, and ~~said~~ the notice shall contain a statement of the
23 educational program attendance requirement and the amount
24 of legal fee required as a condition to the renewal of the
25 license ~~for-the-coming-year~~. Subject to the provisions of
26 this chapter, ~~said~~ the license shall be renewed without
27 examination.

28 Sec. 24. Section one hundred fifty-four A point fifteen
29 (154A.15), Code 1979, is amended to read as follows:

30 154A.15 LICENSE RENEWAL. Licenses shall be renewed
31 ~~annually~~ in a manner determined by the board. The renewal
32 fee shall be determined by the board pursuant to section
33 154A.17. The department shall notify every person licensed
34 under this chapter of the date of expiration of ~~his~~ the license
35 and the amount of fee required for its renewal ~~for-one-year~~.

1 The notice shall be mailed at least one month in advance of
2 the expiration date. A person who fails to renew ~~his~~ a license
3 by the expiration date shall be allowed to do so within thirty
4 days following its expiration, but the board may assess a
5 reasonable penalty.

6 Sec. 25. Section one hundred fifty-five point twelve
7 (155.12), unnumbered paragraphs one (1) and two (2), Code
8 1979, are amended to read as follows:

9 Licenses shall be obtained from the board for each and
10 every place of business. Applications shall be upon ~~such~~
11 forms and shall contain ~~such~~ information as the board may
12 reasonably require. Each application for license shall be
13 made by the pharmacist-owner to the secretary of the board,
14 accompanied by the license fee, which shall be paid over into
15 the state treasury and credited to the general fund if the
16 license is issued. The license fee for a pharmacy license
17 or a wholesale drug license shall be set by the board and
18 based upon the administrative costs of issuing the licenses.
19 ~~These licenses shall be due annually on the first day of each~~
20 ~~January.~~ The board shall issue a license upon receipt of
21 an application accompanied by the license fee and after
22 approval thereof by the board.

23 Each license shall be issued only for the premises and
24 to the persons named in the application and shall not be
25 transferred or assigned. If a corporation or other business
26 entity licensee elects to change or replace the pharmacist-
27 manager within ~~an annual~~ a registration period, a new license
28 shall be obtained from the board.

29 Sec. 26. Section one hundred fifty-five point thirteen
30 (155.13), unnumbered paragraph one (1), Code 1979, is amended
31 to read as follows:

32 Each license issued under this chapter unless sooner
33 suspended or revoked, shall be renewable ~~annually~~ upon payment
34 of the ~~annual~~ license fee. The board shall have the authority
35 to deny, suspend or revoke a license in any case where it

1 finds that there has been a substantial failure to comply
 2 with the provisions of this chapter or the regulations
 3 promulgated hereunder, or the violation thereof, and in
 4 addition the board shall have the power to deny, suspend or
 5 revoke a license, when the applicant or licensee, or any
 6 employee, providing the offense is committed on licensed
 7 premises or is in the conduct of the business licensed, is
 8 guilty of any of the following facts or offenses:

9 Sec. 27. Section one hundred sixty-nine point twelve
 10 (169.12), unnumbered paragraph one (1), Code 1979, is amended
 11 to read as follows:

12 All licenses shall expire ~~annually-on-June-30~~ as determined
 13 by the board but may be renewed by registration with the board
 14 and payment of the registration renewal fee established and
 15 published by the board. ~~On-or-before-June-1-of-each-year,~~
 16 Prior to expiration the secretary shall mail a notice to each
 17 licensed veterinarian that the license will expire ~~on-June~~
 18 ~~30~~ and ~~shall~~ provide the licensee with a form for registration.

19 Sec. 28. Section two hundred fifty-eight A point three
 20 (258A.3), subsection one (1), paragraph j, Code 1979, is
 21 amended to read as follows:

22 j. Determine and administer the ~~annual~~ renewal of licenses
 23 for periods not exceeding three years.

24 Sec. 29. Section four hundred fifty-five B point fifty-
 25 eight (455B.58), Code 1979, is amended to read as follows:

26 455B.58 DURATION. Certificates shall ~~continue-in-effect~~
 27 ~~from-the-date-of-issuance-until-the-following-June-30~~ be for
 28 the period determined by the board unless sooner revoked by
 29 the executive director, but such certificates shall remain
 30 the property of the department and the certificate shall so
 31 state. The fee for issuance of certificates as determined
 32 under section 455B.61 shall be prorated on a quarterly basis
 33 for any original certificate issued for a period of less than
 34 twelve months. A person who fails to renew a certificate
 35 by-June-30-following-its-issuance prior to its expiration

1 shall be allowed to do so ~~by July-31~~ within thirty days
2 following its expiration, but the executive director may
3 assess a reasonable penalty as established by rule of the
4 commission.

5 Sec. 30. Section six hundred ten point forty-five (610.45),
6 Code 1979, is amended to read as follows:

7 610.45 RENEWALS. The right to practice law in this state
8 shall be renewed ~~annually~~ by the supreme court upon such
9 conditions as the court shall determine. Any moneys received
10 from those persons admitted to practice law and which are
11 designated for a client security fund or similar fund created
12 by the supreme court shall be separately retained and
13 administered by said court in accordance with rules promulgated
14 by it.

15 Sec. 31. This Act is effective January first following
16 its enactment.

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SENATE FILE 2070

H-5979

1 Amend amendment H-5977 to Senate File 2070, as
2 amended, passed and reprinted by the Senate, as
3 follows:

4 1. Page 1, line 6, by striking the word "classified"
5 and inserting in lieu thereof the words "finally
6 determined".

7 2. Page 1, line 12, by striking the word "classified"
8 and inserting in lieu thereof the words "finally
9 determined".

10 3. Page 1, line 18, by striking the word "classified"
11 and inserting in lieu thereof the words "finally
12 determined".

H-5979 FILED
APRIL 10, 1980

BY MILLER of Buchanan

ADOPTED BY UNANIMOUS CONSENT (p. 1492)

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SF 2070
dsb/slc/26c

SENATE FILE 2070

H-5963

- 1 Amend Senate File 2070 as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 1, line 4, by inserting after the word
4 "annually" the words "in multi-year intervals".
5 2. Page 1, line 30, by inserting after the word
6 "annually" the words "in multi-year intervals".
7 3. Page 2, line 34, by inserting after the
8 words "shall expire" the words "in multi-year
9 intervals".
10 4. Page 4, line 30, by inserting after the
11 word "annually" the words "in multi-year intervals".
12 5. Page 5, line 5, by inserting after the
13 word "annually" the words "in multi-year intervals".
14 6. Page 5, line 15, by inserting after the
15 word "annually" the words "in multi-year intervals".
16 7. Page 6, line 7, by inserting after the
17 word "annually" the words "in multi-year intervals".
18 8. Page 6, line 22, by inserting after the
19 words "expire annually" the words "in multi-year
20 intervals".
21 9. Page 7, line 7, by inserting after the
22 word "expire" the words "in multi-year intervals".
23 10. Page 8, line 3, by inserting after the
24 word "annually" the words "in multi-year intervals".
25 11. Page 8, line 12, by inserting before the
26 word "period" the words "multi-year".
27 12. Page 11, line 28, by inserting after the
28 word "annually" the words "in multi-year intervals".
29 13. Page 12, line 31, by inserting after the
30 word "annually" the words "in multi-year intervals".
31 14. Page 13, line 33, by inserting after the
32 word "annually" the words "in multi-year intervals".
33 15. Page 14, line 12, by inserting after the
34 word "expire" the words "in multi-year intervals".
35 16. Page 14, line 28, by striking the words
36 "the period" and inserting in lieu thereof the
37 words "the multi-year period".
38 17. Page 15, line 8, by inserting after the
39 word "annually" the words "in multi-year intervals".
40 18. Page 15, by inserting the following new
41 section after line 14:
42 "Sec. _____. By June 31, 1981 all the licensing
43 agencies referred to in this act shall reduce their
44 administrative costs to reflect the reduced work-
45 load due to a change from annual to multi-year
46 licensing."

*As amended
by 5974 4/10 (p. 1423)*

SENATE FILE 2070

H-5958

1 Amend Senate File 2070, as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 9, by inserting after line 14 the
4 following:

5 The medical examiners may by rule authorize persons
6 licensed as resident physicians or licensed or
7 authorized to practice medicine to delegate
8 nonjudgmental or mechanical functions in the dispensing
9 of drugs, including controlled substances under chapter
10 two hundred four (204) of the Code, to a nurse,
11 assistant or other qualified person under his or her
12 direction or supervision, any other provisions of
13 the law to the contrary notwithstanding."

14 2. Page 10, by inserting after line 28 the
15 following:

16 "The medical examiners may by rule authorize persons
17 licensed as resident osteopathic physicians and
18 surgeons or licensed to practice osteopathy or
19 osteopathic medicine and surgery to delegate
20 nonjudgmental or mechanical functions in the dispensing
21 of drugs, including controlled substances under chapter
22 two hundred four (204) of the Code, to a nurse,
23 assistant or other qualified person under his or her
24 direction or supervision, any other provisions of
25 the law to the contrary notwithstanding."

26 3. Page 11, by inserting after line 24 the
27 following:

28 "The board of dentistry may by rule authorize
29 persons licensed as resident dentists or licensed
30 to practice dentistry to delegate nonjudgmental or
31 mechanical functions in the dispensing of drugs,
32 including controlled substances under chapter two
33 hundred four (204) of the Code, to a nurse, assistant
34 or other qualified person under his or her direction
35 or supervision, any other provisions of the law to
36 the contrary notwithstanding."

BY BENNETT of Ida
KIRKENSLAGER of Des Moines
GROTH of Buena Vista
COREY of Louisa
THOMPSON of Polk
DAVITT of Warren

H-5958 FILED

APRIL 9, 1980

Adopted and amended 4/24/80

SENATE FILE 2070

H-5956

1 Amend Senate File 2070 as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 5, line 29, by striking the words
4 "amended to read as follows:" and inserting in lieu
5 thereof the words "hereby repealed."

6 2. Page 5, by striking line 30 through page
7 6, line 16.

H-5956 FILED

APRIL 9, 1980

*Lost 4/10
(p. 1439)*

BY RITSEMA of Sioux

- 1 Amend amendment H-5958 to Senate File 2070, as
 2 amended, passed and reprinted by the Senate, as follows:
 3 1. Page 1, line 10, by adding after the word "nurse"
 4 the following: "7 or physician's".
 5 2. Page 1, by striking line 11 and inserting in
 6 lieu thereof the following: "assistant under his or her".
 7 3. Page 1, line 22, by adding after the word "nurse"
 8 the following: "7 or physician's".
 9 4. Page 1, by striking line 23, and inserting in
 10 lieu thereof the following: "assistant under his or her".
 11 5. Page 1, line 33, by adding after the word "nurse"
 12 the following: "7 or physician's".
 13 6. Page 1, by striking line 34 and inserting in
 14 lieu thereof the following: "under his or her direction".

H-5975 FILED BY COCHRAN of Webster
 APRIL 10, 1980
 LOST (p. 1496)

SENATE FILE 2070

H-5976

- 1 Amend the amendment, H-5958, to Senate File 2070,
 2 as amended and passed by the Senate, as follows:
 3 1. Page 1, line 9, by inserting after the word
 4 "drugs" the words "which a physician may legally
 5 dispense".
 6 2. Page 1, line 21, by inserting after the word
 7 "drugs" the words "which an osteopath may legally
 8 dispense".
 9 3. Page 1, line 31, by inserting after the word
 10 "drugs" the words "which a dentist may legally
 11 dispense".

H-5976 FILED BY CONLON of Muscatine
 APRIL 10, 1980
 Adopted 4/10 (p. 1495)

SENATE FILE 2070

H-5977

- 1 Amend amendment H-5958 to Senate File 2070, as
 2 amended, passed and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, by adding after line 13, the following:
 5 "If the United States food and drug administration
 6 has classified the drug being dispensed as ineffective,
 7 either in general or with respect to the purpose for
 8 which the practitioner is dispensing that drug, the
 9 label shall contain a statement to that effect."
 10 2. Page 1, by adding after line 25, the following:
 11 "If the United States food and drug administration
 12 has classified the drug being dispensed as ineffective,
 13 either in general or with respect to the purpose for
 14 which the practitioner is dispensing that drug, the
 15 label shall contain a statement to that effect."
 16 3. Page 1, by adding after line 36, the following:
 17 "If the United States food and drug administration
 18 has classified the drug being dispensed as ineffective,
 19 either in general or with respect to the purpose for
 20 which the practitioner is dispensing that drug, the
 21 label shall contain a statement to that effect."

H-5977 FILED BY MILLER of Buchanan
 APRIL 10, 1980
 Adopted 4/10 (p. 1512)

SENATE FILE 2070

H-5978

1 Amend amendment H-5958 to Senate File 2070, as
2 amended, passed and reprinted by the Senate, as
3 follows:
4 1. Page 1, by adding after line 36 the
5 following:
6 "4. Page 15, by adding after line 14, the following
7 new sections:
8 "Sec. _____. "Practitioner" means a person licensed
9 to practice medicine and surgery under chapter one
10 hundred forty-eight (148), podiatry under chapter one
11 hundred forty-nine (149), osteopathy under chapter
12 one hundred fifty (150), osteopathic medicine and surgery
13 under chapter one hundred fifty A (150A) or dentistry
14 under chapter one hundred fifty-three (153) of the
15 Code.
16 Sec. _____. NEW SECTION. A practitioner shall dispense
17 a prescription drug only in a container which meets the
18 requirements of the Poison Prevention Packaging Act of
19 1970, 15 U.S.C. ss. 1471-1476 (1976), unless otherwise
20 requested by the patient, and of section 502G of the
21 Federal Food, Drug and Cosmetic Act, 21 U.S.C. ss. 301
22 et. seq. (1976).
23 Sec. _____. NEW SECTION. A label shall be affixed to
24 a container in which a prescription drug is dispensed
25 by a practitioner which shall include:
26 1. The name and address of the practitioner.
27 2. The name of the patient.
28 3. The date of the prescription order.
29 4. The directions for administering the prescription
30 drug and any cautionary statement deemed appropriate by
31 the practitioner.
32 5. The name and strength of the prescription drug in
33 the container."

H-5978 FILED
APRIL 10, 1980

BY SMALLEY of Polk
KIRKENSLAGER of Des Moines

SENATE FILE 2070

H-5974

1 Amend amendment H-5963 to Senate File 2070 as
2 amended, passed and reprinted by the Senate as follows:
3 1. Page 1, line 42, by striking the numerals
4 "31" and inserting in lieu thereof the numerals "30".

H-5974 FILED APRIL 10, 1980
ADOPTED BY UNANIMOUS CONSENT

BY LLOYD-JONES of Johnson

(p. 149)

SENATE FILE 2070

6023

1 Amend amendment H-5958 to Senate File 2070, as
2 amended, passed and reprinted by the Senate, as
3 follows:

4 1. Page 1, by inserting after line 36 the
5 following:

6 "4. Page 14, by inserting after line 18 the
7 following:

8 "Sec. _____. Section two hundred four point four
9 hundred one (204.401), subsection three (3), Code
10 1979, is amended by striking the subsection and
11 inserting in lieu thereof the following:

12 3. It is unlawful for a person knowingly or
13 intentionally to possess a controlled substance
14 unless the substance was obtained directly from or
15 pursuant to a valid prescription or order of a
16 practitioner while acting in the course of his or
17 her professional practice, or except as otherwise
18 authorized by this chapter. A violation of this sub-
19 section constitutes one of the following offenses:

20 a. Upon the first and second conviction, a
21 simple misdemeanor if the controlled substance is one
22 ounce or less of marijuana. A person who
23 violates this subsection may be issued a citation
24 and be treated as provided in chapter eight hundred
25 five (805) of the Code.

26 b. A serious misdemeanor punishable by imprison-
27 ment in the county jail for not more than six months
28 or by a fine of not more than one thousand dollars,
29 or by both such fine and imprisonment, if the con-
30 trolled substance is more than one ounce of marijuana
31 or if it is a third or subsequent conviction for
32 possession of marijuana.

33 c. A serious misdemeanor if the controlled
34 substance is a substance other than marijuana.

35 All or any part of a sentence imposed pursuant
36 to this section may be suspended and the person placed
37 upon probation upon such terms and conditions as the
38 court may impose including the active participation
39 by such person in a drug treatment, rehabilitation
40 or education program approved by the court."

41 5. Page 15, by inserting after line 14, the following:

42 "Sec. _____. Section eight hundred five point
43 eight (805.8), Code 1979, is amended by adding the
44 following new subsection:

45 NEW SUBSECTION. POSSESSION OF MARIJUANA. For
46 first and second violations for possession of one
47 ounce or less of marijuana under section two hundred
48 four point four hundred one (204.401), subsection
49 three (3), paragraph a of the Code, the scheduled
50 fine is one hundred dollars."

H-5995

1 Amend amendment H-5958 to Senate File 2070, as
 2 amended, passed and reprinted by the Senate as follows:
 3 1. Page 1, line 13, by adding after the word "not-
 4 withstanding." the following: "However the medical exam-
 5 iners shall by rule prohibit persons licensed as resi-
 6 dent physicians or licensed or authorized to practice
 7 medicine from administ ering, prescribing, dispensing,
 8 or transferring substances listed in section two hun-
 9 dred four point two hundred six (204.206), numbered
 10 paragraph (5), subparagraphs a,b, and c, as anorectic
 11 agents."

H-5995 FILED APRIL 10, 1980 BY RAPP of Black Hawk

Order 4/11 (p 1513)

H-6010

1 Amend amendment H-5958 to Senate File 2070 as
 2 amended, passed and reprinted by the Senate as follows:
 3 1. Page 1, line 13, by inserting after the word
 4 "notwithstanding." the words "The board of medical
 5 examiners shall by rule prohibit persons licensed as
 6 resident physicians or licensed or authorized to
 7 practice medicine from dispensing for sale prescription
 8 drugs, including controlled substances under chapter
 9 two hundred four (204) of the Code, if there is a
 10 pharmacy within the community in which the practitioner's
 11 office is located."
 12 2. Page 1, line 25, by inserting after the word
 13 "notwithstanding." the words "The board of medical
 14 examiners shall by rule prohibit persons licensed
 15 as resident osteopathic physicians and surgeons
 16 or licensed to practice osteopathy or osteopathic
 17 medicine and surgery from dispensing for sale
 18 prescription drugs, including controlled substances
 19 under chapter two hundred four (204) of the Code, if
 20 there is a pharmacy within the community in which the
 21 practitioner's office is located."
 22 3. Page 1, line 36, by inserting after the word
 23 "notwithstanding." the words "The board of dentistry
 24 shall by rule prohibit persons licensed as resident
 25 dentists or licensed to practice dentistry from
 26 dispensing for sale prescription drugs, including con-
 27 trolled substances under chapter two hundred four (204)
 28 of the Code, if there is a pharmacy within the community
 29 in which the practitioner's office is located."

H-6010 FILED APRIL 11, 1980 BY KREWSON of Polk

Added out of order 4/24 (p. 203)

1 Amend the Bennett, et al, amendment H-5958 to
2 Senate File 2070 as amended, passed and reprinted
3 by the Senate, as previously amended as follows:
4 1. Page 1, by striking all after line 2 and
5 inserting in lieu thereof the following:
6 "1. Page 14, by adding after line 18, the following
7 new section:

8 "Sec. _____. Section two hundred four point four
9 hundred ten (204.410), Code 1979, is amended to read
10 as follows:

11 204.410 ACCOMMODATION OFFENSE. In a prosecution
12 for unlawful delivery or possession with intent to
13 deliver a ~~controlled substance~~ marijuana, if the
14 prosecution proves that the defendant violated the
15 provisions of section 204.401, subsection 1, but fails
16 to prove that the defendant delivered or possessed
17 with intent to deliver ~~the controlled substance for~~
18 ~~the purpose of making a profit~~ more than one ounce
19 of marijuana, the defendant ~~shall be~~ is guilty of
20 an accommodation offense and shall be sentenced as
21 if convicted of a violation of section 204.401,
22 subsection 3. An accommodation offense may be proved
23 as an included offense under a charge of delivering
24 or possessing with the intent to deliver a ~~controlled~~
25 ~~substance~~ marijuana in violation of section 204.401,
26 subsection 1. This section does not apply to hashish,
27 hashish oil, or other derivatives of marijuana as
28 defined in section two hundred four point one hundred
29 one (204.101), subsection sixteen (16) of the Code."

30 2. Page 15, line 15, by striking the words "This
31 Act is" and inserting in lieu thereof the words
32 "Sections one (1) through thirty-one (31) of this
33 Act are".

34 3. Page 15, by inserting after line 16 the
35 following:

36 "Sec. _____.
37 1. Practitioners licensed under chapters one
38 hundred forty-eight (148), one hundred forty-nine
39 (149), one hundred fifty (150), one hundred fifty
40 A (150A), one hundred fifty-two (152), one hundred
41 fifty-three (153), one hundred fifty-five (155) and
42 one hundred sixty-nine (169) of the Code shall be
43 entitled to continue the practices with respect to
44 dispensing of prescription drugs, including controlled
45 substances, which those practitioners had followed
46 under the laws of this state as amended to July 1,
47 1979, and as generally interpreted prior to July 5,
48 1979, notwithstanding the opinion of the attorney
49 general to the secretary of the board of pharmacy
50 examiners rendered on that date, until legislation

1 has been enacted to affirm or modify the attorney
2 general's opinion.
3 2. The legislative council is directed to establish
4 a special interim study committee to make a study
5 of prevailing prescription drug dispensing practices,
6 the laws governing those practices, and the opinion
7 of the attorney general to the secretary of the board
8 of pharmacy examiners rendered July 5, 1979, and
9 submit a report to the first session of the Sixty-
10 ninth General Assembly not later than January 12,
11 1981. The study committee shall include members of
12 the committees on human resources of the senate and
13 house of representatives, and one member each from
14 the board of pharmacy examiners, the board of medical
15 examiners, the board of dentistry examiners, the board
16 of nursing examiners, the board of podiatry examiners,
17 and the board of veterinary examiners, each designated
18 by the respective boards to serve on the study
19 committee. The nonlegislator members designated to
20 serve on the study committee pursuant to this sub-
21 section shall serve without compensation from the
22 funds of the general assembly."

H-6031 FILED
APRIL 11, 1980

BY LIND of Black Hawk
BENNETT of Ida
JOHNSON of Howard

SENATE FILE 2070

H-6017

1 Amend amendment H-5958 to Senate File 2070, as
2 amended, passed and reprinted by the Senate, as follows:
3 1. Page 1, by adding after line 36 the following:
4 "4. Page 14, by adding after line 18, the following
5 new section:
6 Sec. ____ Section two hundred four point four hundred
7 ten (204.410), Code 1979, is amended to read as follows:
8 204.410 ACCOMMODATION OFFENSE. In a prosecution for
9 unlawful delivery or possession with intent to deliver a
10 controlled-substance marijuana, if the prosecution proves
11 that the defendant violated the provisions of section
12 204.401, subsection 1, but fails to prove that the de-
13 fendant delivered or possessed with intent to deliver the
14 controlled substance for the purpose of making a profit
15 more than one ounce of marijuana, the defendant shall
16 be is guilty of an accommodation offense and shall be
17 sentenced as if convicted of a violation of section
18 204.401, subsection 3, paragraph b. An accomodation of-
19 fense may be proved as an included offense under a
20 charge of delivering or possessing with the intent
21 to deliver a controlled substance marijuana in vio-
22 lation of section 204.401, subsection 1. This section
23 does not apply to hashish, hashish oil, or other deri-
24 vitaves of mauijuana as defined in section two hundred
25 four point one hundred one (204.101), subsection six
26 teen (16) of the Code.

H-6017 FILED
APRIL 11, 1980

BY JOHNSON of Howard

SENATE FILE 2070

H-6027

1 Amend amendment H-5958 to Senate File 2070, as
2 amended, passed and reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 3 through 36 and
4 inserting in lieu thereof the following:

5 "1. Page 14, by inserting after line 18, the
6 following:

7 "Sec. _____. Section two hundred four point four
8 hundred one (204.401), subsection three (3), Code
9 1979, is amended by striking the subsection and
10 inserting in lieu thereof the following:

11 3. It is unlawful for a person knowingly or
12 intentionally to possess a controlled substance
13 unless the substance was obtained directly from or
14 pursuant to a valid prescription or order of a
15 practitioner while acting in the course of his or
16 her professional practice, or except as otherwise
17 authorized by this chapter. A violation of this sub-
18 section constitutes one of the following offenses:

19 a. Upon the first and second conviction, a
20 simple misdemeanor if the controlled substance is one
21 ounce or less of marijuana. A person who
22 violates this subsection may be issued a citation
23 and be treated as provided in chapter eight hundred
24 five (805) of the code.

25 b. A serious misdemeanor punishable by imprison-
26 ment in the county jail for not more than six months
27 or by a fine of not more than one thousand dollars,
28 or by both such fine and imprisonment, if the con-
29 trolled substance is more than one ounce of marijuana
30 or if it is a third or subsequent conviction for
31 possession of marijuana.

32 c. A serious misdemeanor if the controlled
33 substance is a substance other than marijuana.

34 All or any part of a sentence imposed pursuant
35 to this section may be suspended and the person placed
36 upon probation upon such terms and conditions as the
37 court may impose including the active participation
38 by such person in a drug treatment, rehabilitation
39 or education program approved by the court."

40 2. Page 15, by inserting after line 14, the following:

41 "Sec. _____. Section eight hundred five point
42 eight (805.8), Code 1979, is amended by adding the
43 following new subsection:

44 NEW SUBSECTION. POSSESSION OF MARIJUANA. For
45 first and second violations for possession of one
46 ounce or less of marijuana under section two hundred
47 four point four hundred one (204.401), subsection
48 three (3), paragraph a of the Code, the scheduled
49 fine is one hundred dollars."
50

1 Amend amendment H-5958 to Senate File 2070, as
 2 amended, passed and reprinted by the Senate, as follows:

3 1. Page 1, by adding after line 36 the following:

4 "4. Page 14, by adding after line 18, the following
 5 new sections:

6 Sec. _____. Section two hundred four point four hundred
 7 ten (204.410), Code 1979, is amended to read as follows:

8 204.410 ACCOMMODATION OFFENSE. In a prosecution for
 9 unlawful delivery or possession with intent to deliver a
 10 ~~controlled-substance~~ marijuana, if the prosecution proves
 11 that the defendant violated the provisions of section
 12 204.401, subsection 1, but fails to prove that the de-
 13 fendant delivered or possessed with intent to deliver the
 14 ~~controlled substance~~ for the purpose of making a profit
 15 more than one ounce of marijuana, the defendant shall
 16 ~~be is~~ be guilty of an accommodation offense and shall be
 17 sentenced as if convicted of a violation of section
 18 204.401, subsection 3, paragraph c. An accomodation of-
 19 fense may be proved as an included offense under a
 20 charge of delivering or possessing with the intent
 21 to deliver a ~~controlled substance~~ marijuana in vio-
 22 lation of section 204.401, subsection 1. This section
 23 does not apply to hashish, hashish oil, or other deri-
 24 vitaves of mauijuana as defined in section two hundred
 25 four point one hundred one (204.101), subsection six
 26 teen (16) of the Code.

27 Sec. _____. Section nine hundred seven point three
 28 (907.3), unnumbered paragraph one (1), Code 1979,
 29 is amended to read as follows:

30 Pursuant to section 901.5, the trial court may,
 31 upon a plea of guilty, a verdict of guilty, or a
 32 special verdict upon which a judgment of conviction may
 33 be rendered, exercise any of the options contained in
 34 subsection 1 and 2 of this section. However, this sec-
 35 tion shall not apply to a forcible felony ~~or a vio-~~
 36 ~~lation of section 204.401, subsection 1 or 2, to which~~
 37 ~~section 204.409, subsection 2 is not applicable and~~
 38 ~~which is not proved to be an accommodation offense under~~
 39 ~~section 204.410.~~

H-6015 FILED
 APRIL 11, 1980

BY JOHNSON of Howard

4/11/80

SENATE FILE 2070

H-6334

1 Amend amendment H-5958 to Senate File 2070 as
2 amended, passed and reprinted by the Senate, as
3 follows:

4 1. Page 1, by striking lines 3 through 36 and
5 inserting in lieu thereof the following:

6 "____. Page 14, by inserting after line 18 the
7 following new section:

8 "Sec. 28. Section two hundred four point four
9 hundred ten (204.410), Code 1979, is amended to read
10 as follows:

11 204.410 ACCOMMODATION OFFENSE. In a prosecution
12 for unlawful delivery or possession with intent to
13 deliver a-~~controlled-substance~~ marijuana, if the
14 prosecution proves that the defendant violated the
15 provisions of section 204.401, subsection 1, ~~but-fails~~
16 ~~to-prove by proving~~ that the defendant delivered or
17 possessed with intent to deliver the-~~controlled~~
18 ~~substance-for-the-purpose-of-making-a-profit~~ one ounce
19 or less of marijuana, the defendant shall-be ~~is~~ guilty
20 of an accommodation offense and rather than being
21 sentenced as if convicted for a violation of section
22 two hundred four point four hundred one (204.401),
23 subsection one (1), paragraph b, shall be sentenced
24 as if convicted of a violation of section 204.401,
25 subsection 3. An accommodation offense may be proved
26 as an included offense under a charge of delivering
27 or possessing with the intent to deliver a-~~controlled~~
28 ~~substance~~ marijuana in violation of section 204.401,
29 subsection 1. This section does not apply to hashish,
30 hashish oil, or other derivatives of marijuana as
31 defined in section two hundred four point one hundred
32 one (204.101), subsection sixteen (16) of the Code."

33 _____. Page 15, by inserting after line 14 the
34 following new sections:

35 "Sec. 32. Section nine hundred seven point three
36 (907.3), unnumbered paragraph one (1), Code 1979,
37 is amended to read as follows:

38 Pursuant to section 901.5, the trial court may,
39 upon a plea of guilty, a verdict of guilty, or a
40 special verdict upon which a judgment of conviction
41 may be rendered, exercise any of the options contained
42 in subsections 1 and 2 of this section. However,
43 this section shall not apply to a forcible felony
44 ~~or-a-violation-of-section-204-401,-subsection-1-or~~
45 ~~2,-to-which-section-204-409,-subsection-2-is-not~~
46 ~~applicable-and-which-is-not-proved-to-be-an~~
47 ~~accommodation-offense-under-section-204-410.~~

48 Sec. 33.

49 1. Practitioners licensed under chapters one
50 hundred forty-eight (148), one hundred forty-nine

H-6334
Page two

1 (149), one hundred fifty (150), one hundred fifty
2 A (150A), one hundred fifty-two (152), one hundred
3 fifty-three (153), one hundred fifty-five (155) and
4 one hundred sixty-nine (169) of the Code shall be
5 entitled to continue the practices with respect to
6 dispensing of prescription drugs, including controlled
7 substances, which those practitioners had followed
8 under the laws of this state as amended to July 1,
9 1979, and as generally interpreted prior to July 5,
10 1979, notwithstanding the opinion of the attorney
11 general to the secretary of the board of pharmacy
12 examiners rendered on that date, until legislation
13 has been enacted to affirm or modify the attorney
14 general's opinion.

15 2. The legislative council is directed to estab-
16 lish a special interim study committee to make a study
17 of prevailing prescription drug dispensing practices,
18 the laws governing those practices, and the opinion
19 of the attorney general to the secretary of the board
20 of pharmacy examiners rendered July 5, 1979, and
21 submit a report to the first session of the Sixty-
22 ninth General Assembly not later than January 12,
23 1981. The study committee shall include members of
24 the committees on human resources of the senate and
25 house of representatives, and one member each from
26 the board of pharmacy examiners, the board of medical
27 examiners, the board of dentistry examiners, the board
28 of nursing examiners, the board of podiatry examiners,
29 and the board of veterinary examiners, each designated
30 by the respective boards to serve on the study
31 committee. The nonlegislator members designated to
32 serve on the study committee pursuant to this
33 subsection shall serve without compensation from the
34 funds of the general assembly."

35 _____. Page 15, line 15, by striking the words "This
36 Act is" and inserting in lieu thereof the words
37 "Sections one (1) through thirty-two (32) of this
38 Act are".

39 2. By renumbering and correcting internal
40 references to conform with this amendment.

H-6334 FILED APRIL 23, 1980 By LIND of Black Hawk
Adopted 4/24 (p. 20.57) BENNETT of Ida
JOHNSON of Howard

SENATE FILE 2070

H-6337

1 Amend amendment H-5958 to Senate File 2070, as
2 amended, passed and reprinted by the Senate, as
3 follows:

4 1. Page 1, by inserting after line 36 the following:
5 "1. Page 14, by inserting after line 18, the
6 following:

7 "Sec. ____ Section two hundred four point four
8 hundred one (204.401), subsection three (3), Code
9 1979, is amended by striking the subsection and
10 inserting in lieu thereof the following:

11 3. It is unlawful for a person knowingly or
12 intentionally to possess a controlled substance unless
13 the substance was obtained directly from or pursuant
14 to a valid prescription or order of a practitioner
15 while acting in the course of his or her professional
16 practice, or except as otherwise authorized by this
17 chapter. A violation of this subsection constitutes
18 one of the following offenses:

19 a. Upon the first and second conviction, a simple
20 misdemeanor if the controlled substance is one ounce
21 or less of marijuana.

22 b. A serious misdemeanor punishable by imprisonment
23 in the county jail for not more than six months or
24 by a fine of not more than one thousand dollars, or
25 by both such fine and imprisonment, if the controlled
26 substance is more than one ounce of marijuana or if
27 it is a third or subsequent conviction for possession
28 of marijuana.

29 c. A serious misdemeanor if the controlled
30 substance is a substance other than marijuana.

31 All or any part of a sentence imposed pursuant
32 to this section may be suspended and the person placed
33 upon probation upon such terms and conditions as the
34 court may impose including the active participation
35 by such person in a drug treatment, rehabilitation
36 or education program approved by the court."

H-6337 FILED APRIL 24, 1980 By WELSH of Dubuque
NOT-GERMANE, MOTION TO SUSPEND
RULES, LOST

4/25 4/34 (p.204)

SENATE FILE 2070

H-6339

1 Amend Senate File 2070, as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Title page, by striking lines 1 and 2 and
4 inserting in lieu thereof the following: "An Act
5 relating to the powers of professional and occupational
6 examining and licensing boards with respect to licenses
7 and licensees and the dispensing of drugs and controlled
8 substances by certain licensees and the criminal offense
9 of delivery of certain controlled substances and the
10 penalties therefor."

H-6339 FILED APRIL 24, 1980 By BENNETT of Ida
ADOPTED BY UNANIMOUS CONSENT (p.204)

SENATE FILE 2070

H-6029

1 Amend amendment H-5958 to Senate File 2070, as
2 amended, passed and reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 2 the
4 following:

5 "1. Page 14, by inserting after line 18, the
6 following:

7 "Sec. _____. Section two hundred four point four
8 hundred one (204.401), subsection three (3), Code
9 1979, is amended by striking the subsection and
10 inserting in lieu thereof the following:

11 3. It is unlawful for a person knowingly or
12 intentionally to possess a controlled substance
13 unless the substance was obtained directly from or
14 pursuant to a valid prescription or order of a
15 practitioner while acting in the course of his or
16 her professional practice, or except as otherwise
17 authorized by this chapter. A violation of this sub-
18 section constitutes one of the following offenses:

19 a. Upon the first and second conviction, a
20 simple misdemeanor if the controlled substance is one
21 ounce or less of marijuana. A person who
22 violates this subsection may be issued a citation
23 and be treated as provided in chapter eight hundred
24 five (805) of the code.

25 b. A serious misdemeanor punishable by imprison-
26 ment in the county jail for not more than six months
27 or by a fine of not more than one thousand dollars,
28 or by both such fine and imprisonment, if the con-
29 trolled substance is more than one ounce of marijuana
30 or if it is a third or subsequent conviction for
31 possession of marijuana.

32 c. A serious misdemeanor if the controlled
33 substance is a substance other than marijuana.

34 All or any part of a sentence imposed pursuant
35 to this section may be suspended and the person placed
36 upon probation upon such terms and conditions as the
37 court may impose including the active participation
38 by such person in a drug treatment, rehabilitation
39 or education program approved by the court."
40

41 2. Page 15, by inserting after line 14, the following:

42 "Sec. _____. Section eight hundred five point
43 eight (805.8), Code 1979, is amended by adding the
44 following new subsection:

45 NEW SUBSECTION. POSSESSION OF MARIJUANA. For
46 first and second violations for possession of one
47 ounce or less of marijuana under section two hundred
48 four point four hundred one (204.401), subsection
49 three (3), paragraph a of the Code, the scheduled
50 fine is one hundred dollars."

HOUSE AMENDMENT TO SENATE FILE 2070

S- 5917

1 Amend Senate File 2070, as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 4, by inserting after the word
4 "annually" the words "in multi-year intervals".

5 2. Page 1, line 30, by inserting after the word
6 "annually" the words "in multi-year intervals".

7 3. Page 2, line 34, by inserting after the words
8 "shall expire" the words "in multi-year intervals".

9 4. Page 4, line 30, by inserting after the word
10 "annually" the words "in multi-year intervals".

11 5. Page 5, line 5, by inserting after the word
12 "annually" the words "in multi-year intervals".

13 6. Page 5, line 15, by inserting after the word
14 "annually" the words "in multi-year intervals".

15 7. Page 6, line 7, by inserting after the word
16 "annually" the words "in multi-year intervals".

17 8. Page 6, line 22, by inserting after the words
18 "expire annually" the words "in multi-year intervals".

19 9. Page 7, line 7, by inserting after the word
20 "expire" the words "in multi-year intervals".

21 10. Page 8, line 3, by inserting after the word
22 "annually" the words "in multi-year intervals".

23 11. Page 8, line 12, by inserting before the word
24 "period" the words "multi-year".

25 12. Page 11, line 28, by inserting after the word
26 "annually" the words "in multi-year intervals".

27 13. Page 12, line 31, by inserting after the word
28 "annually" the words "in multi-year intervals".

29 14. Page 13, line 33, by inserting after the word
30 "annually" the words "in multi-year intervals".

31 15. Page 14, line 12, by inserting after the word
32 "expire" the words "in multi-year intervals".

33 16. Page 14, by inserting after line 18 the
34 following new section:

35 "Sec. 28. Section two hundred four point four
36 hundred ten (204.410), Code 1979, is amended to read
37 as follows:

38 204.410 ACCOMMODATION OFFENSE. In a prosecution
39 for unlawful delivery or possession with intent to
40 deliver ~~a controlled substance~~ marijuana, if the
41 prosecution proves that the defendant violated the
42 provisions of section 204.401, subsection 1, ~~but fails~~
43 ~~to prove by proving~~ that the defendant delivered or
44 possessed with intent to deliver ~~the controlled~~
45 ~~substance for the purpose of making a profit~~ one ounce
46 or less of marijuana, the defendant ~~shall be~~ is guilty
47 of an accommodation offense and ~~rather than being~~
48 sentenced as if convicted for a violation of section
49 two hundred four point four hundred one (204.401),
50 subsection one (1), paragraph b, shall be sentenced

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1 as if convicted of a violation of section 204.401,
2 subsection 3. An accommodation offense may be proved
3 as an included offense under a charge of delivering
4 or possessing with the intent to deliver a-controlled
5 substance marijuana in violation of section 204.401,
6 subsection 1. This section does not apply to hashish,
7 hashish oil, or other derivatives of marijuana as
8 defined in section two hundred four point one hundred
9 one (204.101), subsection sixteen (16) of the Code."

10 17. Page 14, line 28, by striking the words "the
11 period" and inserting in lieu thereof the words "the
12 multi-year period".

13 18. Page 15, line 8, by inserting after the word
14 "annually" the words "in multi-year intervals".

15 19. Page 15, by inserting after line 14 the
16 following new sections:

17 "Sec. 32. Section nine hundred seven point three
18 (907.3), unnumbered paragraph one (1), Code 1979,
19 is amended to read as follows:

20 Pursuant to section 901.5, the trial court may,
21 upon a plea of guilty, a verdict of guilty, or a
22 special verdict upon which a judgment of conviction
23 may be rendered, exercise any of the options contained
24 in subsections 1 and 2 of this section. However,
25 this section shall not apply to a forcible felony
26 ~~or a violation of section 204.401, subsection 1 or~~
27 ~~2, to which section 204.409, subsection 2 is not~~
28 ~~applicable and which is not proved to be an~~
29 ~~accommodation offense under section 204.410.~~

30 Sec. 33.

31 1. Practitioners licensed under chapters one
32 hundred forty-eight (148), one hundred forty-nine
33 (149), one hundred fifty (150), one hundred fifty
34 A (150A), one hundred fifty-two (152), one hundred
35 fifty-three (153), one hundred fifty-five (155) and
36 one hundred sixty-nine (169) of the Code shall be
37 entitled to continue the practices with respect to
38 dispensing of prescription drugs, including controlled
39 substances, which those practitioners had followed
40 under the laws of this state as amended to July 1,
41 1979, and as generally interpreted prior to July 5,
42 1979, notwithstanding the opinion of the attorney
43 general to the secretary of the board of pharmacy
44 examiners rendered on that date, until legislation
45 has been enacted to affirm or modify the attorney
46 general's opinion.

47 2. The legislative council is directed to estab-
48 lish a special interim study committee to make a study
49 of prevailing prescription drug dispensing practices,
50 the laws governing those practices, and the opinion

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1 of the attorney general to the secretary of the board
2 of pharmacy examiners rendered July 5, 1979, and
3 submit a report to the first session of the Sixty-
4 ninth General Assembly not later than January 12,
5 1981. The study committee shall include members of
6 the committees on human resources of the senate and
7 house of representatives, and one member each from
8 the board of pharmacy examiners, the board of medical
9 examiners, the board of dentistry examiners, the board
10 of nursing examiners, the board of podiatry examiners,
11 and the board of veterinary examiners, each designated
12 by the respective boards to serve on the study
13 committee. The nonlegislator members designated to
14 serve on the study committee pursuant to this
15 subsection shall serve without compensation from the
16 funds of the general assembly."

17 20. Page 15, by inserting the following new section
18 after line 14:

19 "Sec. _____. By June 30, 1981 all the licensing
20 agencies referred to in this Act shall reduce their
21 administrative costs to reflect the reduced workload
22 due to a change from annual to multi-year licensing."

23 21. Page 15, line 15, by striking the words "This
24 Act is" and inserting in lieu thereof the words
25 "Sections one (1) through thirty-two (32) of this
26 Act are".

27 22. Title page, by striking lines 1 and 2 and
28 inserting in lieu thereof the following: "An Act
29 relating to the powers of professional and occupational
30 examining and licensing boards with respect to licenses
31 and licensees and the dispensing of drugs and
32 controlled substances by certain licensees and the
33 criminal offense of delivery of certain controlled
34 substances and the penalties therefor."

35 23. By renumbering and correcting internal
36 references to conform with this amendment.

S-5917 FILED
APRIL 24, 1980

RECEIVED FROM THE HOUSE
Senate concurred 4/25 (p. 17:01)

SENATE FILE 2070

S-5940

1 Amend the House amendment S-5917 to Senate File
2 2070 as follows:

3 1. Page 3, by inserting after line 16 the fol-
4 lowing:

5 "Sec. 34. Section seven hundred two point eleven
6 (702.11), Code 1979, is amended to read as follows:
7 702.11 FORCIBLE FELONY. A "forcible felony" is
8 any felonious assault, murder, sexual abuse done by
9 force or against the will of another, kidnapping,
10 robbery, arson in the first degree, or burglary in
11 the first degree.

12 Sec. 35. Section nine hundred seven point three
13 (907.3), unnumbered paragraph one (1), Code 1979,
14 is amended to read as follows:

15 Pursuant to section 901.5, the trial court may,
16 upon a plea of guilty, a verdict of guilty, or a
17 special verdict upon which a judgment of conviction
18 may be rendered, exercise any of the options contained
19 in subsections 1 and 2 of this section. However,
20 this section shall not apply to a forcible felony
21 or a violation of section 204.401, subsection 1 or
22 2, to which section 204.409, subsection 2 is not
23 applicable and which is not proved to be an accommo-
24 dation offense under section 204.410. A person
25 sentenced prior to the effective date of this Act
26 for conviction of an offense pursuant to chapter seven
27 hundred nine (709) of the Code which did not involve
28 sexual abuse done by force or against the will of
29 another person may petition the court for review of
30 the person's sentence."

31 2. Page 3, by inserting after line 26 the fol-
32 lowing:

33 "_____. Sections thirty-four (34) and thirty-five
34 (35) of this Act, being deemed of immediate importance,
35 takes effect from and after their publication in the
36 Guthrie Center Times, a newspaper published in Guthrie
37 Center, Iowa, and in the Audubon News-Advocate, a
38 newspaper published in Audubon, Iowa."

39 3. Page 3, line 34, by inserting after the word
40 "therefor" the words "and the penalties for the
41 criminal offense of sexual abuse".

42 4. By renumbering and correcting internal
43 references to conform with this amendment.

S-5940 FILED
APRIL 25, 1980
WITHDRAWN (p. 175)

BY C. W. BILL HUTCHINS

SENATE FILE 2070

AN ACT

RELATING TO THE POWERS OF PROFESSIONAL AND OCCUPATIONAL EXAMINING AND LICENSING BOARDS WITH RESPECT TO LICENSES AND LICENSEES AND THE DISPENSING OF DRUGS AND CONTROLLED SUBSTANCES BY CERTAIN LICENSEES AND THE CRIMINAL OFFENSE OF DELIVERY OF CERTAIN CONTROLLED SUBSTANCES AND THE PENALTIES THEREFOR.

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

Section 1. Section one hundred fourteen point eighteen (114.18), Code 1979, is amended to read as follows:

114.18 EXPIRATIONS AND RENEWALS. Certificates of registration shall expire ~~annually~~ in multi-year intervals as determined by the board. It shall be the duty of the secretary of the board to notify every person registered under this chapter, of the date of expiration of ~~his~~ the certificate and the amount of the fee that shall be required for its renewal ~~for-one-year~~; such notice shall be mailed at least one month in advance of the date of the expiration of ~~said~~ the certificate. Renewal may be effected by the payment of a fee the amount of which shall be determined by the board. The failure on the part of any registrant to renew ~~his~~ a certificate ~~annually~~ in the month of expiration as required above shall not deprive ~~such~~ a person of the right of renewal. A person who fails to renew ~~his~~ a certificate by the expiration date shall be allowed to do so within thirty days following its expiration, but the board may assess a reasonable penalty.

For the duration of any war in which the United States is engaged the board may, in its discretion, defer the collection of renewal fees without penalty, which have or may become due from registered professional engineers who are employed in the war effort, and residing outside the state, or who are members of the armed forces of the United States, and may renew the engineering certificates of ~~said~~ registered professional engineers.

Sec. 2. Section one hundred sixteen point twelve (116.12), Code 1979, is amended to read as follows:

116.12 RENEWALS. Licenses as accounting practitioners shall expire ~~annually~~ in multi-year intervals as determined by the board. The board shall notify every person licensed under this chapter of the date of expiration of ~~his~~ the license and the amount of the fee required for its renewal ~~for-one~~ year. The notice shall be mailed at least one month in advance of the expiration date. A person who fails to renew ~~his~~ a license to practice as an accounting practitioner by the expiration date shall be allowed to do so within thirty days following its expiration, but the board may assess a reasonable penalty.

Sec. 3. Section one hundred sixteen point twenty (116.20), subsection one (1), Code 1979, is amended to read as follows:

1. The certificate of certified public accountant granted by the board under section 116.5 and the registration with the board as a public accountant under section 116.6, and the license to practice as an accounting practitioner under section 116.7 or 116.8 shall be renewed ~~annually~~ as determined by the board. There shall be ~~an-annual~~ a renewal fee, in the amount to be determined from time to time by the board, ~~not-to-exceed-fifty-dollars~~.

Sec. 4. Section one hundred seventeen point twenty-seven (117.27), Code 1979, is amended to read as follows:

117.27 FEES. The commission shall set ~~annual~~ fees, ~~except~~ renewal-fees-which-need-not-be-annual, for examination and

licensing of real estate brokers, real estate salespersons and real estate apprentice salespersons. The commission shall determine the annual cost of administering the examination and shall set the examination fee accordingly. The commission shall set the fees for the real estate broker's licenses, for real estate salesperson's licenses and for real estate apprentice salesperson's licenses based upon the administrative costs of sustaining the commission. The fees shall include, but shall not be limited to, the costs for:

1. Per diem, expenses, and travel for commission members.
2. Office facilities, supplies, and equipment.
3. Director, assistants, and clerical assistance.

Sec. 5. Section one hundred seventeen point twenty-eight (117.28), Code 1979, is amended to read as follows:

117.28 EXPIRATION OF LICENSE. Every license, except a license as a real estate apprentice salesperson which shall expire as provided in section 117.15, shall expire in multi-year intervals as determined by the commission. A person who fails to renew ~~his~~ a real estate broker's or real estate salesperson's license by the expiration date shall be allowed to do so within thirty days following its expiration, but the commission may assess a reasonable penalty. The commission shall upon the written request of the applicant on forms prescribed by the commission, and payment of the fee therefor as herein required, issue a new license for each ensuing year license period except as provided in section 117.15, in the absence of any reason or condition which might warrant the revocation of a license after a hearing as provided in sections 117.34 and 117.35.

Sec. 6. Section one hundred seventeen point twenty-nine (117.29), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

The revocation of a broker's license shall automatically suspend every real estate salesperson's license and every real estate apprentice salesperson's license granted to any

person by virtue of his or her employment by the broker whose license has been revoked, pending a change of employer and the issuance of a new license. Such new license shall be issued upon payment of a fee in an amount determined by the commission based upon the administrative costs involved, if granted during the same year license period in which the original license was granted.

Sec. 7. Section one hundred seventeen point thirty-three (117.33), Code 1979, is amended to read as follows:

117.33 SALESPERSONS OR APPRENTICES--CHANGE OF EMPLOYMENT. When any real estate salesperson or real estate apprentice salesperson shall be discharged or shall terminate ~~his~~ employment with the real estate broker by whom he or she is employed, it shall be the duty of such real estate broker to immediately deliver or mail by certified mail to the commission such real estate salesperson's or real estate apprentice salesperson's license on the reverse side of which the employing broker shall set out the date and cause of termination of employment. The real estate broker shall at the time of mailing such real estate salesperson's or real estate apprentice salesperson's license to the commission address a communication to the last known residence address of such real estate salesperson or real estate apprentice salesperson stating that ~~his~~ the license has been delivered or mailed to the commission. A copy of such communication to the real estate salesperson or real estate apprentice salesperson shall accompany the license when mailed or delivered to the commission. It shall be unlawful for any real estate salesperson or real estate apprentice salesperson to perform any of the acts contemplated by this chapter either directly or indirectly under authority of said license from and after the date of receipt of said license by the commission; provided, that another license shall not be issued to such real estate salesperson or real estate apprentice salesperson until he or she shall return ~~his~~ the former pocket

card to the commission or shall satisfactorily account to them for the same. The commission shall upon presentation of evidence by the salesperson or apprentice salesperson that he or she has been employed by another broker issue another license and pocket card for the balance of the current year license period showing each change of employment. A fee as determined by the commission will be charged for the issuance of such a license. Not more than one license shall be issued to any real estate salesperson or real estate apprentice salesperson for the same period of time.

Sec. 8. Section one hundred eighteen point ten (118.10), Code 1979, is amended to read as follows:

118.10 RENEWALS. Certificates of registration shall expire annually in multi-year intervals as determined by the board. Registered architects shall renew their certificates of registration and pay a renewal fee in the manner prescribed by the board. A person who fails to renew his a certificate of registration by the expiration date shall be allowed to do so within thirty days following its expiration, but the board may assess a reasonable penalty.

Sec. 9. Section one hundred eighteen A point thirteen (118A.13), Code 1979, is amended to read as follows:

118A.13 RENEWALS. Certificates of registration shall expire annually in multi-year intervals as determined by the board. Registered landscape architects shall renew their certificates of registration and pay a renewal fee in the manner and amount prescribed by the board. A person who fails to renew his a certificate by the expiration date shall be allowed to do so within thirty days following its expiration, but the board may assess a reasonable penalty.

Sec. 10. Section one hundred twenty point eight (120.8), subsection four (4), Code 1979, is amended to read as follows:

4. Every certificate of registration shall expire annually, and shall be renewed annually in multi-year intervals as determined by the board upon application by the holder thereof,

without examination. Application for such renewal shall be made in writing to the department, accompanied by a renewal fee in an amount determined by the board based upon the cost of renewing the certificate, at least thirty days prior to the expiration of such certificate. Every renewal shall be displayed in connection with the original certificate. The board shall notify each certificate holder by mail of the expiration of his a certificate. A person who fails to renew his a certificate by the expiration date shall be allowed to do so within thirty days following its expiration, but the board may assess a reasonable penalty.

Sec. 11. Section one hundred twenty point nine (120.9), Code 1979, is amended to read as follows:

120.9 APPRENTICE WATCHMAKERS. Any person sixteen years of age or over, apprenticed to a registered watchmaker, may pursue the trade of watchmaking upon obtaining from the board a certificate of registration as an apprenticed watchmaker, which certificate shall be conspicuously displayed at all times in the place of employment of such apprentice. No apprentice certificate shall be renewed unless the application therefor shall be accompanied by a sworn statement of the employer or employers as to the length of time the applicant has been actually employed under his a certificate in the pursuit of the watchmaking trade. Apprentice watchmakers shall pay a fee in an amount determined by the board for the certificate which shall expire annually in multi-year intervals as determined by the board and shall pay a renewal fee annually in an amount determined by the board. A person who fails to renew his a certificate by the expiration date shall be allowed to do so within thirty days following its expiration, but the board may assess a reasonable penalty. Any applicant for a certificate of registration as a watchmaker who fails to pass the examination provided for herein may in the discretion of the board be issued a certificate as an apprentice watchmaker.

Sec. 12. Section one hundred thirty-five E point five (135E.5), Code 1979, is amended to read as follows:

135E.5 LICENSE FEES. Each person licensed as a nursing home administrator shall be required to pay a license fee in an amount to be fixed by the board. ~~Said~~ The license shall expire ~~annually~~ in multi-year intervals and shall be renewable ~~annually~~ and upon payment of the license fee. A person who fails to renew ~~his~~ a license by the expiration date shall be allowed to do so within thirty days following its expiration, but the board may assess a reasonable penalty.

Sec. 13. Section one hundred thirty-five E point ten (135E.10), Code 1979, is amended to read as follows:

135E.10 RENEWAL OF LICENSE. Every holder of a nursing home administrator's license shall renew it ~~annually~~ by making application to the board, ~~except that biennially~~ the individual requesting renewal shall submit evidence satisfactory to the board of continued education in this field. Such renewals shall be granted as a matter of course unless the board finds, after due notice and hearing, that the applicant has acted or failed to act in accordance with the rules or in such a manner or under such circumstances as would constitute grounds for suspension or revocation of a license.

Sec. 14. Section one hundred forty-seven point ten (147.10), Code 1979, is amended to read as follows:

147.10 RENEWAL. Every license to practice a profession shall expire in multi-year intervals annually-as-determined-by-the-board and shall be renewed annually as determined by the board upon application by the licensee, without examination. Application for ~~such~~ renewal shall be made in writing to the department accompanied by the required fee at least thirty days prior to the expiration of such license. Every renewal shall be displayed in connection with the original license. ~~Every-year-the~~ The department shall notify each licensee by mail of prior to the expiration of ~~his~~ a license. Failure to renew the license within a reasonable

time after the expiration shall not invalidate the license, but a reasonable penalty may be assessed by the board.

Sec. 15. Section one hundred forty-seven point eighty (147.80), unnumbered paragraph one (1) and subsection twelve (12), Code 1979, are amended to read as follows:

An examining board shall set the fees for the examination of applicants, which fees shall be based upon the annual cost of administering the examinations. An examining board shall set the annual fees, except renewal fees which need not be annual, required for any of the following based upon the cost of sustaining the board and the actual costs of licensing:

12. A nurse who does not engage in nursing during the year succeeding the ~~annual~~ expiration of the license shall notify the board to place the nurse upon the inactive list and the nurse shall not be required to pay the renewal fee so long as he or she remains inactive and so notifies the board. To resume nursing, the nurse shall notify the board and remit the renewal fee for the current ~~annual~~ period.

Sec. 16. Section one hundred forty-seven point one hundred (147.100), Code 1979, is amended to read as follows:

147.100 EXPIRATIONS AND RENEWALS. Licenses shall expire annually in multi-year intervals as determined by the examining board. A person who fails to renew ~~his~~ a license by the expiration date shall be allowed to do so within thirty days following its expiration, but the examining board may assess a reasonable penalty.

Sec. 17. Section one hundred forty-seven A point six (147A.6), subsection two (2), Code 1979, is amended to read as follows:

2. An EMT certificate shall be valid ~~for-two-years-from-the-date-of-its-issuance~~ for the multi-year period determined by the board, unless sooner suspended or revoked. Such a certificate shall be renewed upon application of the holder if he or she has satisfactorily completed ongoing educational programs established or approved by the department with the concurrence of the board.

permanent licensure shall be mandatory for this resident licensure except as specifically designated by the medical examiners. The granting of a resident osteopathic physician and surgeon's license does not in any way indicate that the person so licensed is necessarily eligible for regular licensure, nor are the medical examiners in any way obligated to so license such individual. The medical examiners shall revoke said license at any time they shall determine either that the caliber of work done by the licensee or the type of supervision being given such licensee does not conform to reasonable standards established by the medical examiners.

Sec. 21. Section one hundred fifty-three point twenty-two (153.22), Code 1979, is amended to read as follows:

153.22 RESIDENT DENTIST LICENSE. Any dentist, who is a graduate of an accredited dental school and is serving only as a resident, intern or graduate student dentist and who is not licensed to practice dentistry in this state, shall be required to obtain from the board of dentistry a temporary or special license to practice as a resident, intern or graduate dentist. The license shall be designated "Resident Dentist License" and shall authorize the licensee to serve as a resident, intern or graduate student only, under the supervision of a licensed practitioner of dentistry, in an institution approved for this purpose by the board. Such license shall be valid for one year and may be ~~annually~~ renewed at the discretion of the board ~~for-a-period-not-to-exceed three-additional-years~~. The fee for this license and the annual renewal fee shall be set by the board based upon the cost of issuance of the license. The board shall determine in each instance those eligible for this license, whether or not examinations shall be given, and the type of examination. No requirements of the law pertaining to regular permanent licensure shall be mandatory for this resident licensure except as specifically designated by the board. The granting of a resident dentist's license does not in any

way indicate that the person so licensed is necessarily eligible for regular licensure, nor is the board in any way obligated to so license such individual. The board may revoke said license at any time it shall determine either that the caliber of work done by a licensee or the type of supervision being given such licensee does not conform to reasonable standards established by the board.

Sec. 22. Section one hundred fifty-four point six (154.6), Code 1979, is amended to read as follows:

154.6 EXPIRATION AND RENEWAL OF LICENSES. Every license to practice optometry shall expire annually in multi-year intervals as determined by the board. Application for renewal of such license shall be made in writing to the department of health at least thirty days prior to the ~~annual~~ expiration date, accompanied by the required renewal fee and the affidavit of the licensee or other proof satisfactory to the department and to the Iowa state board of optometry examiners, that ~~said~~ the applicant has annually attended, since the issuance of the last license to ~~said~~ the applicant, an educational program or clinic as conducted by the Iowa optometric association, or its equivalent, for a period of at least two days. The attendance requirement at ~~said~~ the educational program or clinic shall not be conditioned upon membership in ~~said~~ the Iowa optometric association. Nonmembers shall be admitted to ~~said~~ the annual educational program or clinic upon payment of their pro rata share of the cost. In lieu of attendance at the ~~said~~ annual educational program or clinic, it shall be the duty of the board of optometry examiners to recognize and approve attendance at local optometric study group meetings as shall, in the judgment of ~~said~~ the board, constitute an equivalent to attendance at the annual educational program of ~~said~~ the association.

Sec. 23. Section one hundred fifty-four point seven (154.7), Code 1979, is amended to read as follows:

Sec. 18. Section one hundred forty-eight point five (148.5), Code 1979, is amended to read as follows:

148.5 RESIDENT PHYSICIAN'S LICENSE. Any physician, who is a graduate of a medical school and is serving only as a resident physician and who is not licensed to practice medicine and surgery in this state, shall be required to obtain from the medical examiners a temporary or special license to practice as a resident physician. The license shall be designated "Resident Physician License" and shall authorize the licensee to serve as a resident physician only, under the supervision of a licensed practitioner of medicine and surgery, in an institution approved for this purpose by the medical examiners. Such license shall be valid for one year and may be ~~annually~~ renewed at the discretion of the medical examiners. The fee for this license shall be set by the board to cover the administrative costs of issuing the license, and if extended beyond one year, ~~an-annual~~ a renewal fee as set by the board shall be required. The medical examiners shall determine in each instance those eligible for this license, whether or not examinations shall be given, and the type of examinations. No requirements of the law pertaining to regular permanent licensure shall be mandatory for this resident licensure except as specifically designated by the medical examiners. The granting of a resident physician's license does not in any way indicate that the person so licensed is necessarily eligible for regular licensure, nor are the medical examiners in any way obligated to so license such individual. The medical examiners shall revoke the license at any time they shall determine either that the caliber of work done by a licensee or the type of supervision being given such licensee does not conform to reasonable standards established by the medical examiners.

Sec. 19. Section one hundred forty-eight point ten (148.10), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

The temporary certificate shall be issued for one year and, at the discretion of the medical examiners may be renewed, but no person shall be entitled to practice medicine and surgery or osteopathic medicine and surgery in excess of three years while holding a temporary certificate. The fee for this license shall be set by the medical examiners and if extended beyond one year ~~an-annual~~ a renewal fee per year shall be set by the medical examiners. The fees shall be based on the administrative costs of issuing and renewing the licenses. The medical examiners may cancel a temporary certificate at any time, without a hearing, for reasons deemed sufficient to the medical examiners.

Sec. 20. Section one hundred fifty A point nine (150A.9), Code 1979, is amended to read as follows:

150A.9 RESIDENT LICENSE. Any osteopathic physician and surgeon who is a graduate of a college of osteopathic medicine and surgery approved by the medical examiners and is serving only as a resident osteopathic physician and surgeon and who is not licensed to practice osteopathic medicine and surgery in this state, shall be required to obtain from the medical examiners a temporary or special license to practice as a resident osteopathic physician and surgeon. The license shall be designated "Resident Osteopathic Physician and Surgeon License", and shall authorize the licensee to serve as a resident only, under the supervision of a licensed practitioner of osteopathic medicine and surgery, in an institution approved for this purpose by the medical examiners. Such license shall be valid for one year and may be ~~annually~~ renewed at the discretion of the medical examiners. The fee for this license shall be set by the board and based on the cost of issuing the license, and if extended beyond one year, ~~an-annual~~ a renewal fee shall be required. The medical examiners shall determine in each instance those eligible for this license, whether or not examinations shall be given, and the type of examinations. No requirements of the law pertaining to regular

154.7 NOTICE OF EXPIRATION. Notice of expiration of the ~~annual~~ license to practice optometry shall be given by the state department of health to all certificate holders by mailing ~~said~~ the notice to the last known address of such licensee at least seventy-five days prior to the expiration date, and ~~said~~ the notice shall contain a statement of the educational program attendance requirement and the amount of legal fee required as a condition to the renewal of the license ~~for-the-coming-year~~. Subject to the provisions of this chapter, ~~said~~ the license shall be renewed without examination.

Sec. 24. Section one hundred fifty-four A point fifteen (154A.15), Code 1979, is amended to read as follows:

154A.15 LICENSE RENEWAL. Licenses shall be renewed annually in multi-year intervals in a manner determined by the board. The renewal fee shall be determined by the board pursuant to section 154A.17. The department shall notify every person licensed under this chapter of the date of expiration of ~~his~~ the license and the amount of fee required for its renewal ~~for-one-year~~. The notice shall be mailed at least one month in advance of the expiration date. A person who fails to renew ~~his~~ a license by the expiration date shall be allowed to do so within thirty days following its expiration, but the board may assess a reasonable penalty.

Sec. 25. Section one hundred fifty-five point twelve (155.12), unnumbered paragraphs one (1) and two (2), Code 1979, are amended to read as follows:

Licenses shall be obtained from the board for each and every place of business. Applications shall be upon ~~such~~ forms and shall contain ~~such~~ information as the board may reasonably require. Each application for license shall be made by the pharmacist-owner to the secretary of the board, accompanied by the license fee, which shall be paid over into the state treasury and credited to the general fund if the license is issued. The license fee for a pharmacy license

or a wholesale drug license shall be set by the board and based upon the administrative costs of issuing the licenses. ~~These licenses shall be due annually on the first day of each January.~~ The board shall issue a license upon receipt of an application accompanied by the license fee and after approval thereof by the board.

Each license shall be issued only for the premises and to the persons named in the application and shall not be transferred or assigned. If a corporation or other business entity licensee elects to change or replace the pharmacist-manager within ~~an-annual~~ a registration period, a new license shall be obtained from the board.

Sec. 26. Section one hundred fifty-five point thirteen (155.13), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

Each license issued under this chapter unless sooner suspended or revoked, shall be renewable annually in multi-year intervals upon payment of the ~~annual~~ license fee. The board shall have the authority to deny, suspend or revoke a license in any case where it finds that there has been a substantial failure to comply with the provisions of this chapter or the regulations promulgated hereunder, or the violation thereof, and in addition the board shall have the power to deny, suspend or revoke a license, when the applicant or licensee, or any employee, providing the offense is committed on licensed premises or is in the conduct of the business licensed, is guilty of any of the following facts or offenses:

Sec. 27. Section one hundred sixty-nine point twelve (169.12), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

All licenses shall expire in multi-year intervals annually on June 30 as determined by the board but may be renewed by registration with the board and payment of the registration renewal fee established and published by the board. ~~On or~~

~~before June 1 of each year. Prior to expiration~~ the secretary shall mail a notice to each licensed veterinarian that the license will expire ~~on June 30~~ and shall provide the licensee with a form for registration.

Sec. 28. Section two hundred four point four hundred ten (204.410), Code 1979, is amended to read as follows:

204.410 ACCOMMODATION OFFENSE. In a prosecution for unlawful delivery or possession with intent to deliver a ~~controlled substance~~ marijuana, if the prosecution proves that the defendant violated the provisions of section 204.401, subsection 1, ~~but fails to prove by proving~~ that the defendant delivered or possessed with intent to deliver ~~the controlled substance for the purpose of making a profit one ounce or less of marijuana~~, the defendant ~~shall be~~ is guilty of an accommodation offense and ~~rather than being sentenced as if convicted for a violation of section two hundred four point four hundred one (204.401), subsection one (1), paragraph b,~~ shall be sentenced as if convicted of a violation of section 204.401, subsection 3. An accommodation offense may be proved as an included offense under a charge of delivering or possessing with the intent to deliver a ~~controlled substance~~ marijuana in violation of section 204.401, subsection 1. ~~This section does not apply to hashish, hashish oil, or other derivatives of marijuana as defined in section two hundred four point one hundred one (204.101), subsection sixteen (16) of the Code.~~

Sec. 29. Section two hundred fifty-eight A point three (258A.3), subsection one (1), paragraph j, Code 1979, is amended to read as follows:

j. Determine and administer the ~~annual~~ renewal of licenses ~~for periods not exceeding three years.~~

Sec. 30. Section four hundred fifty-five B point fifty-eight (455B.58), Code 1979, is amended to read as follows:

455B.58 DURATION. Certificates shall ~~continue in effect from the date of issuance until the following June 30~~ be for

~~the multi-year period determined by the board~~ unless sooner revoked by the executive director, but such certificates shall remain the property of the department and the certificate shall so state. The fee for issuance of certificates as determined under section 455B.61 shall be prorated on a quarterly basis for any original certificate issued for a period of less than twelve months. A person who fails to renew a certificate ~~by June 30 following its issuance prior to its expiration~~ shall be allowed to do so ~~by July 31 within thirty days following its expiration~~, but the executive director may assess a reasonable penalty as established by rule of the commission.

Sec. 31. Section six hundred ten point forty-five (610.45), Code 1979, is amended to read as follows:

610.45 RENEWALS. The right to practice law in this state shall be renewed ~~annually in multi-year intervals~~ by the supreme court upon such conditions as the court shall determine. Any moneys received from those persons admitted to practice law and which are designated for a client security fund or similar fund created by the supreme court shall be separately retained and administered by said court in accordance with rules promulgated by it.

Sec. 32. Section nine hundred seven point three (907.3), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

Pursuant to section 901.5, the trial court may, upon a plea of guilty, a verdict of guilty, or a special verdict upon which a judgment of conviction may be rendered, exercise any of the options contained in subsections 1 and 2 of this section. However, this section shall not apply to a forcible felony ~~or a violation of section 204.401, subsection 1 or 2, to which section 204.409, subsection 2 is not applicable and which is not proved to be an accommodation offense under section 204.410.~~

Sec. 33.

1. Practitioners licensed under chapters one hundred forty-eight (148), one hundred forty-nine (149), one hundred fifty (150), one hundred fifty A (150A), one hundred fifty-two (152), one hundred fifty-three (153), one hundred fifty-five (155) and one hundred sixty-nine (169) of the Code shall be entitled to continue the practices with respect to dispensing of prescription drugs, including controlled substances, which those practitioners had followed under the laws of this state as amended to July 1, 1979, and as generally interpreted prior to July 5, 1979, notwithstanding the opinion of the attorney general to the secretary of the board of pharmacy examiners rendered on that date, until legislation has been enacted to affirm or modify the attorney general's opinion.

2. The legislative council is directed to establish a special interim study committee to make a study of prevailing prescription drug dispensing practices, the laws governing those practices, and the opinion of the attorney general to the secretary of the board of pharmacy examiners rendered July 5, 1979, and submit a report to the first session of the Sixty-ninth General Assembly not later than January 12, 1981. The study committee shall include members of the committees on human resources of the senate and house of representatives, and one member each from the board of pharmacy examiners, the board of medical examiners, the board of dentistry examiners, the board of nursing examiners, the board of podiatry examiners, and the board of veterinary examiners, each designated by the respective boards to serve on the study committee. The nonlegislator members designated to serve on the study committee pursuant to this subsection shall serve without compensation from the funds of the general assembly.

Sec. 34. By June 30, 1981 all the licensing agencies referred to in this Act shall reduce their administrative costs to reflect the reduced workload due to a change from annual to multi-year licensing.

Sec. 35. Sections one (1) through thirty-two (32) of this Act are effective January first following its enactment.

TERRY E. BRANSTAD
President of the Senate

WILLIAM H. HARBOR
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2070, Sixty-eighth General Assembly.

FRANK J. STORK
Secretary of the Senate

Approved May 23, 1980

ROBERT D. RAY
Governor