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SENATE FILE 345

BY COMMITTEE ON HUMAN  
RESOURCES

approved 3/2/83 (p. 591)  
(FORMERLY SSB 54A)

Passed Senate, Date 3-21-83 (p. 861) Passed House, Date 2-2-84 (p. 254)  
Vote: Ayes 36 Nays 11 Vote: Ayes 70 Nays 21  
Approved Feb. 21, 1984 (p. 498)

## A BILL FOR

1 An Act authorizing specified professionals to dispense and  
2 issue prescription drugs and controlled substances and  
3 to delegate nonjudgmental dispensing functions and  
4 providing a penalty.

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

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S.F. 345

Section 1. NEW SECTION. 147.104A DRUG DISPENSING.

1. A person, other than a pharmacist or a medical practitioner who dispenses as an incident to the practice of the practitioner's profession, shall not dispense prescription drugs or controlled substances, except that family planning agencies may dispense birth control substances under the approval of a medical practitioner.

2. A pharmacist or medical practitioner who dispenses prescription drugs, including but not limited to controlled substances, for human use, may delegate nonjudgmental dispensing functions to staff assistants only when verification of the accuracy and completeness of the prescription is determined by the pharmacist or medical practitioner in the pharmacist's or medical practitioner's physical presence.

3. A registered nurse may issue, upon the direct and specific prescription of a medical practitioner, no more than a seventy-two hour supply of a prepackaged, pre-labeled prescription drug or controlled substance in a container which meets the packaging, labeling, and recordkeeping requirements of the appropriate examining board.

4. Notwithstanding section 147.86, a person, including a pharmacist, who violates this section is guilty of a serious misdemeanor.

Sec. 2. Acts of the Sixty-eighth General Assembly, 1980 Session, chapter 1036, section 33, subsection 1, is repealed.

EXPLANATION

This bill authorizes pharmacists or medical practitioners to dispense prescription drugs and controlled substances and authorizes family planning agencies to dispense birth control substances under the approval of a medical practitioner.

The bill allows the pharmacist or medical practitioner to delegate nonjudgmental dispensing functions to assistants but only if the pharmacist or medical practitioner is physically present. A partial exemption to this limited authority to delegate authorizes registered nurses to issue

1 no more than a 72 hour supply of prepackaged, pre-labeled  
2 prescription drugs or controlled substances upon the direct  
3 and specific order of a medical practitioner.

4 The bill repeals a 1980 statute which allowed medical  
5 practitioners and pharmacists to continue dispensing as they  
6 had prior to July 5, 1979, notwithstanding a conflicting  
7 attorney general's opinion concerning the delegation of the  
8 dispensing function.

9 The bill provides that the penalty for violation of the  
10 section is a serious misdemeanor.

11 The bill creates a new section 147.104A.

12 The bill takes effect July 1 following its enactment.

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SENATE FILE 345

S-3189

- 1 Amend Senate File 345 as follows:
- 2 1. Page 1, line 22, by striking the word "serious"
- 3 and inserting in lieu thereof the word "simple".

S-3189 FILED

BY DONALD V. DOYLE

MARCH 7, 1983

*Adopted 3/21/83 (p. 861)*

SENATE FILE 345

S-3191

- 1 Amend Senate File 345 as follows:
- 2 1. Page 1, line 8, by striking the words
- 3 "pharmacist or".
- 4 2. Page 1, by striking lines 11 through 14 and
- 5 inserting in lieu thereof the words "pensing functions
- 6 to a nurse, assistant, or other qualified person under
- 7 the medical practitioner's direction or supervision."

S-3191 FILED

BY DON GETTINGS

MARCH 8, 1983

*Adopted 3/21/83 (p. 858)*

SENATE FILE 345

S-3194

- 1 Amend Senate File 345 as follows:
- 2 1. Page 1, by inserting after line 20 the
- 3 following:
- 4 "     . A physician's assistant may issue, upon
- 5 the direct and specific prescription of a medical
- 6 practitioner, no more than a seventy-two hour supply
- 7 of a prepackaged, prelabeled prescription drug or
- 8 controlled substance in a container which meets the
- 9 packaging, labeling, and recordkeeping requirements
- 10 of the appropriate examining board."
- 11 2. By renumbering as necessary.

S-3194 FILED

BY ARNE WALDSTEIN

MARCH 8, 1983

*Adopted 3/21/83 (p. 858)*

SENATE FILE 345

S-3182

1 Amend Senate File 345 as follows:

- 2 1. Page 1, by striking lines 5 through 7 and  
3 inserting in lieu thereof the words "prescription  
4 drugs or controlled substances."  
5 2. Page 1, by inserting after line 20 the  
6 following:  
7 "4. Notwithstanding subsection 1, a family planning  
8 clinic may dispense birth control drugs upon the order  
9 of a physician. Subsections 2 and 3 do not apply  
10 to a family planning clinic under this subsection."  
11 3. By renumbering as necessary.

S-3182 FILED

BY TED ANDERSON

MARCH 7, 1983

*Adopted 3/21/83 (p. 852)*

SENATE FILE 345

S-3183

1 Amend Senate File 345 as follows:

- 2 1. By striking everything after the enacting  
3 clause and inserting in lieu thereof the following:  
4 "Section 1. Section 147.76, Code 1983, is amended.  
5 by adding the following new unnumbered paragraph:  
6 NEW UNNUMBERED PARAGRAPH. No later than January  
7 1, 1984, the board of medical examiners, the board  
8 of dentistry examiners, and the board of podiatry  
9 examiners shall adopt rules pursuant to chapter 17A  
10 establishing criteria by which a person licensed by  
11 that board may delegate nonjudgmental or mechanical  
12 dispensing functions in the dispensing of prescription  
13 drugs, including controlled substances regulated under  
14 chapter 204, to a nurse, assistant, or other qualified  
15 individual under the person's direction or  
16 supervision."  
17 2. Title page, by striking lines 1 through 4 and  
18 inserting in lieu thereof the words "An Act requiring  
19 certain medical professional boards to adopt rules  
20 to delegate nonjudgmental or mechanical dispensing  
21 functions to certain individuals."

S-3183 FILED

BY MICK LURA

MARCH 7, 1983

*Adopted 3/21/83 (p. 857)*

SENATE FILE 345

S-3188

1 Amend Senate File 345 as follows:

- 2 1. Page 1, by striking lines 9 through 14 and  
3 inserting in lieu thereof the following: "prescription  
4 drugs for human use, including but not limited to con-  
5 trolled substances, may delegate nonjudgmental dis-  
6 pensing functions to assistants only when the accuracy  
7 and completeness of the prescription is verified by the  
8 pharmacist or medical practitioner."

S-3188 FILED

BY EDGAR H. HOLDEN

MARCH 7, 1983

*Adopted 3/21/83 (p. 858)*

SENATE FILE 345

S-3195

1 Amend Senate File 345 as follows:

2 1. Page 1, by striking lines 2 through 23 and  
3 inserting in lieu thereof the following:

4 "1. As used in this section:

5 a. "Dispense" means the preparation, delivery,  
6 and distribution of a prescription drug pursuant to  
7 a lawful order of a practitioner in a suitable  
8 container appropriately labeled for subsequent  
9 administration to or use by a patient or other  
10 individual entitled to receive the prescription drug.

11 b. "Practitioner" means a person licensed to  
12 practice medicine and surgery under chapter 148,  
13 podiatry under chapter 149, osteopathy under chapter  
14 150, osteopathic medicine and surgery under chapter  
15 150A, or dentistry under chapter 153.

16 c. "Prescription drug" means a drug, medicine,  
17 or controlled substance under chapter 204 which by  
18 law can be dispensed for human use only by a  
19 practitioner or by a pharmacist licensed under chapter  
20 155 upon the order of a practitioner.

21 2. A practitioner or pharmacist, in dispensing  
22 prescription drugs, may delegate nonjudgmental  
23 mechanical dispensing functions to qualified hospital  
24 personnel or to an agent of the practitioner or  
25 pharmacist under the practitioner's or pharmacist's  
26 direction and supervision in accordance with rules  
27 adopted by the examining board licensing the  
28 practitioner or pharmacist."

29 2. Title page, by striking lines 1 through 4 and  
30 inserting in lieu thereof the words "An Act authorizing  
31 specified professionals to delegate nonjudgmental  
32 mechanical dispensing functions."

S-3195 FILED

BY HURLEY HALL

MARCH 8, 1983

*Adopted as amended 2/21/83 (p. 858)*

SENATE FILE 345

S-3197

1 Amend Senate File 345 as follows:

2 1. Page 1, line 15, by inserting after the word

3 "A" the words "physician's assistant or".

S-3197 FILED

BY TOM MANN, JR.

MARCH 8, 1983

*W/O 2/21 (p. 860)*

SENATE FILE 345

S-3233

1 Amend the amendment, S-3195, to Senate File 345,  
2 as follows:

3 1. Page 1, by striking lines 2 and 3 and inserting  
4 in lieu thereof the following:

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

7 2. Page 1, by striking lines 29 through 32.

8 3. By renumbering as necessary.

S-3233 FILED

BY TOM SLATER

MARCH 15, 1983

*Adopted 3/21/83 (p. 857)*

SENATE FILE 345

S-3209

- 1 Amend Senate File 345 as follows:  
2 1. Page 1, by inserting after line 20 the  
3 following:  
4 "4. Notwithstanding subsection 1, a physician's  
5 assistant supervised by a physician as provided in  
6 chapter 148C may dispense prescription drugs and  
7 controlled substances upon the order of the physician.  
8 Subsections 2 and 3 do not apply to physician's  
9 assistants under this subsection."  
10 2. By renumbering as necessary.

S-3209 FILED  
MARCH 9, 1983  
*WLD 3/21/83 (p. 861)*

BY WILLIAM W. DIELEMAN

S-3267

- 1 Amend Senate File 345 as follows:  
2 1. Page 1, by inserting after line 20, the  
3 following:  
4 "5. Notwithstanding subsection 1, an industrial  
5 clinic, a college or school clinic, a physician's  
6 assistant supervised by a physician as provided in  
7 chapter 148C, a community mental health center, or  
8 a nonprofit clinic may dispense prescription drugs  
9 and controlled substances upon the order of a physi-  
10 cian. Subsections 2 and 3 do not apply to clinics  
11 and physician's assistants under this subsection."  
12 2. By renumbering as necessary.

S-3267 FILED  
MARCH 21, 1983  
WITHDRAWN (p. 860)

BY ARTHUR SMALL, JR.

SENATE FILE 345

S-3265

- 1 Amend Senate File 345 as follows:  
2 1. Page 1, by striking lines 5 through 7 and  
3 inserting in lieu thereof the words "prescription  
4 drugs or controlled substances."  
5 2. Page 1, by inserting after line 20, the  
6 following:  
7 "4. Notwithstanding subsection 1, an industrial  
8 clinic, a college or school clinic, a physician's  
9 assistant supervised by a physician as provided in  
10 chapter 148C, a family planning clinic, a community  
11 mental health center, or a nonprofit clinic may  
12 dispense prescription drugs and controlled substances  
13 upon the order of a physician. Subsections 2 and  
14 3 do not apply to clinics and physician's assistants  
15 under this subsection."  
16 3. By renumbering as necessary.

S-3265 FILED  
MARCH 21, 1983  
RULED OUT OF ORDER (p. 858)

BY ARTHUR SMALL, JR.

SENATE FILE 345

S-3268

- 1 Amend Senate File 345 as follows:  
2 1. Page 1, by inserting after line 20, the  
3 following:  
4 "5. Notwithstanding subsection 1, an industrial  
5 clinic, a college or school clinic, a community  
6 mental health center, or a nonprofit clinic may  
7 dispense prescription drugs and controlled substances  
8 upon the order of a physician. Subsections 2 and  
9 3 do not apply to clinics under this subsection."  
10 2. By renumbering as necessary.

S-3268 FILED & LOST  
MARCH 21, 1983 (p. 861)

BY ARTHUR SMALL, JR.

SENATE FILE 345

S-3258

- 1 Amend Senate File 345 as follows:  
2 1. Page 1, by inserting after line 25 the  
3 following:  
4 "Sec. 3. This Act takes effect January 1, 1984."

S-3258 FILED & ADOPTED  
MARCH 21, 1983 (p. 761)

BY CHARLES P. MILLER

SENATE FILE 345

S-3261

- 1 Amend Senate File 345 as follows:  
2 1. Page 1, by striking lines 1 through 23 and  
3 inserting in lieu thereof the following:  
4 "Section 1. Section 147.76, Code 1983, is amended  
5 by adding the following new unnumbered paragraph:  
6 NEW UNNUMBERED PARAGRAPH. The board of medical  
7 examiners, the board of dentistry examiners and the  
8 board of podiatry examiners may adopt rules pursuant  
9 to chapter 17A to allow a person who is licensed by  
10 that board and who is lawfully authorized to dispense  
11 prescription drugs, including controlled substances  
12 under chapter 204, to delegate nonjudgmental mechanical  
13 dispensing functions to a nurse, assistant, or other  
14 qualified individual under the person's direction  
15 or supervision."  
16 2. Page 1, by striking lines 24 and 25 and  
17 inserting in lieu thereof the following:  
18 "Sec. 2. 1980 Iowa Acts, chapter 1036, section  
19 33, subsection 1, is repealed effective July 1, 1984.  
20 Section 1 of this Act takes effect July 1, 1983."  
21 3. Title page, by striking lines 1 through 4 and  
22 inserting in lieu thereof the words "An Act allowing  
23 certain medical professional boards to adopt rules  
24 to delegate nonjudgmental mechanical dispensing  
25 functions to certain individuals."

S-3261 FILED & LOST  
MARCH 21, 1983 (p. 857)

BY ARTHUR A. SMALL, JR.



1 Section 1. NEW SECTION. 147.104A DRUG DISPENSING.

2 1. A person, other than a pharmacist or a medical  
3 practitioner who dispenses as an incident to the practice  
4 of the practitioner's profession, shall not dispense  
5 prescription drugs or controlled substances.

6 2. A pharmacist or medical practitioner who dispenses  
7 prescription drugs, including but not limited to controlled  
8 substances, for human use, may delegate nonjudgmental dis-  
9 pensing functions to staff assistants only when verification  
10 of the accuracy and completeness of the prescription is de-  
11 termined by the pharmacist or medical practitioner in the  
12 pharmacist's or medical practitioner's physical presence.

13 3. A registered nurse may issue, upon the direct and  
14 specific prescription of a medical practitioner, no more than  
15 a seventy-two hour supply of a prepackaged, prelabeled  
16 prescription drug or controlled substance in a container which  
17 meets the packaging, labeling, and recordkeeping requirements  
18 of the appropriate examining board.

19 4. Notwithstanding subsection 1, a family planning clinic  
20 may dispense birth control drugs upon the order of a physician.  
21 Subsections 2 and 3 do not apply to a family planning clinic  
22 under this subsection.

23 5. A physician's assistant may issue, upon the direct  
24 and specific prescription of a medical practitioner, no more  
25 than a seventy-two hour supply of a prepackaged, prelabeled  
26 prescription drug or controlled substance in a container which  
27 meets the packaging, labeling, and recordkeeping requirements  
28 of the appropriate examining board.

29 6. Notwithstanding section 147.86, a person, including  
30 a pharmacist, who violates this section is guilty of a simple  
31 misdemeanor.

32 Sec. 2. Acts of the Sixty-eighth General Assembly, 1980  
33 Session, chapter 1036, section 33, subsection 1, is repealed.

34 Sec. 3. This Act takes effect January 1, 1984.

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SENATE FILE 345

H-3447

1 Amend Senate File 345 as amended, passed and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, by inserting after line 28 the  
4 following:  
5 " . . . Notwithstanding subsections 2, 3, and 5,  
6 a medical practitioner who dispenses prescription  
7 drugs, including but not limited to controlled  
8 substances, may delegate nonjudgmental dispensing  
9 functions to staff assistants if the nearest pharmacy  
10 is seven or more miles from the medical practitioner's  
11 office."

H-3447 FILED MARCH 29, 1983 BY MUHLBAUER of Crawford  
*Lost 2/2/84 (p. 253)*

SENATE FILE 345

H-3559

1 Amend Senate File 345, as amended, passed and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, line 20, by inserting after the word  
4 "drugs" the words "and devices".  
5 2. Page 1, line 23, by inserting after the word  
6 "assistant" the words "not staffing a remote clinic".  
7 3. Page 1, by inserting after line 28 the  
8 following:  
9 "A physician's assistant who staffs a remote clinic  
10 which does not have pharmacy services reasonably  
11 available may issue, upon the specific order of the  
12 supervising physician, no more than a seven-day supply  
13 of a prescription drug or controlled substance."

H-3559 FILED APRIL 7, 1983 BY COMMITTEE ON HUMAN RESOURCES  
*W/O 2/2/84 (p. 251)*

SENATE FILE 345

H-3617

1 Amend Senate File 345, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, by striking lines 23 through 28 and  
4 inserting in lieu thereof the following:  
5 "5. Notwithstanding subsection 1, a physician's  
6 assistant supervised by a physician as provided in  
7 chapter 148C may dispense prescription drugs and  
8 controlled substances upon the order of the physician.  
9 Subsection 2 does not apply to physicians' assistants  
10 under this subsection."  
11 2. By renumbering as necessary.

H-3617 FILED APRIL 8, 1983 BY MULLINS of Kossuth  
*Lost 2/2 (p. 250)*

SENATE FILE 345

H-3633

1 Amend Senate File 345, as amended, passed and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, by striking lines 23 and 24 and  
4 inserting in lieu thereof the following:  
5 "5. Notwithstanding subsection 1, a physician's  
6 assistant supervised by a physician as provided in  
7 chapter 148C may dispense upon the order of the  
8 physician, no more".

H-3633 FILED APRIL 11, 1983 BY SCHROEDER of Pottawattamie  
*Placed out of order 2/2/84 (p. 251)*

SENATE FILE 345

H-3635

1 Amend Senate File 345, as amended, passed and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, line 15, by striking the words "seventy-  
4 two hour" and inserting in lieu thereof the word "one-  
5 week".  
6 2. Page 1, line 25, by striking the words "seventy-  
7 two hour" and inserting in lieu thereof the word "one-  
8 week".

H-3635 FILED APRIL 11, 1983 BY SCHROEDER of Pottawattamie  
*Placed out of order 2/2 (p. 251)*

SENATE FILE 345

H-3639

1 Amend Senate File 345, as amended, passed and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, by striking lines 9 through 12 and  
4 inserting in lieu thereof the words: "pensing  
5 functions to a nurse, assistant, or other qualified  
6 person under the pharmacist's or medical practitioner's  
7 direction or supervision."

H-3639 FILED APRIL 11, 1983 BY HANSON of Delaware  
*nt/d 2/2/84 (p. 252)* PARKER of Jasper

SENATE FILE 345

H-3641

1 Amend Senate File 345, as amended, passed and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, line 13, by inserting after the word  
4 "nurse" the words ", licensed practical nurse, or  
5 a staff assistant of a medical practitioner or another  
6 qualified individual under the medical practitioner's  
7 direction or supervision".

H-3641 FILED APRIL 11, 1983 BY LONERGAN of Boone  
*Placed out of order 2/2 (p. 251)* PARKER of Jasper

H-3637

1 Amend Senate File 345, as amended, passed and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, line 15, by striking the words  
4 "prepackaged, prelabeled".  
5 2. Page 1, line 25, by striking the words  
6 "prepackaged, prelabeled".

BY MULLINS of Kossuth  
MCKEAN of Jones  
FOGARTY of Palo Alto  
GROTH of Buena Vista

*Placed out of order 2/2/84 (p. 251)*  
H-3637 FILED APRIL 11, 1983

SENATE FILE 345

H-3640

1 Amend Senate File 345, as amended, passed and  
2 reprinted by the Senate, as follows:  
3 1. By striking everything after the enacting  
4 clause and inserting in lieu thereof the following:  
5 "Section 1. There is appropriated from the general  
6 fund of the state for the fiscal year beginning July  
7 1, 1983, and ending June 30, 1984, to the board of  
8 pharmacy examiners two hundred fifty thousand (250,000)  
9 dollars, or so much thereof as is necessary, to be  
10 distributed, according to rules adopted by the board,  
11 to pharmacists in this state whose income is below  
12 one hundred ten percent of the federal poverty level."  
13 2. Title page, by striking lines 1 through 4 and  
14 inserting in lieu thereof the words "An Act relating  
15 to the economic development of the pharmacy industry  
16 in this state."

H-3640 FILED APRIL 11, 1983 BY PARKER of Jasper  
*\*1/10 2/2/84 (p. 252)*

SENATE FILE 345

H-3642

1 Amend Senate File 345, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. By striking everything after the enacting  
4 clause and inserting in lieu thereof the following:  
5 "Section 1. Section 147.76, Code 1983, is amended  
6 by adding the following new unnumbered paragraph:  
7 NEW UNNUMBERED PARAGRAPH. No later than January  
8 1, 1984, the board of medical examiners, the board  
9 of dental examiners, the board of podiatry examiners  
10 shall adopt rules pursuant to chapter 17A establishing  
11 criteria by which a person licensed by the respective  
12 examining board may delegate nonjudgmental or  
13 mechanical functions in the dispensing of prescription  
14 drugs, including controlled substances under chapter  
15 204, to a nurse, assistant, or other qualified person  
16 under the licensed person's direction or supervision."  
17 2. Title page, by striking lines 1 through 4 and  
18 inserting in lieu thereof the following: "An Act  
19 requiring certain medical professional boards to adopt  
20 rules to delegate nonjudgmental or mechanical  
21 dispensing functions to certain individuals,"

*\*1/10 2/2/84 (p. 252)*  
H-3642 FILED APRIL 11, 1983

BY PARKER of Jasper  
RENAUD of Polk  
BLACK of Jasper

SENATE FILE 345

H-3634

1 Amend Senate File 345, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, by striking lines 2 through 31 and  
4 inserting in lieu thereof the following:  
5 "1. As used in this section:  
6 a. "Dispense" means the preparation, delivery,  
7 and distribution of a prescription drug pursuant to  
8 a lawful order of a practitioner in a suitable  
9 container appropriately labeled for subsequent  
10 administration to or use by a patient or other  
11 individual entitled to receive the prescription drug.  
12 b. "Practitioner" means a person licensed to  
13 practice medicine and surgery under chapter 148,  
14 podiatry under chapter 149, osteopathy under chapter  
15 150, osteopathic medicine and surgery under chapter  
16 150A, or dentistry under chapter 153.  
17 c. "Prescription drugs" means a drug, medicine,  
18 or controlled substance under chapter 204, which by  
19 law can be dispensed for human use only by a  
20 practitioner or by a pharmacist licensed under chapter  
21 155 upon the order of a practitioner.  
22 2. A practitioner or pharmacist may delegage non-  
23 judgmental mechanical dispensing functions to qualified  
24 hospital personnel, or to an agent of the practitioner  
25 or pharmacist under the practitioner's or pharmacist's  
26 direction and supervision, including the dispensing  
27 of controlled substances under chapter 204,  
28 notwithstanding any other contrary provision of the  
29 law. The examining boards which license practitioners  
30 and pharmacists may adopt rules pursuant to chapter  
31 17A establishing criteria for the delegation of  
32 dispensing functions."  
33 2. Title page, by striking lines 1 through 4 and  
34 inserting in lieu thereof the words "An Act authorizing  
35 specified professionals to delegate nonjudgmental  
36 or mechanical dispensing functions."

BY HANSON of Delaware  
PARKER of Jasper

H-3634 FILED APRIL 11, 1983

*H/O 2/2/84 (p. 253)*

SENATE FILE 345

H-3638

1 Amend Senate File 345, as amended, passed and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, lines 11 and 12, by striking the words  
4 "in the pharmacist's or medical practitioner's physical  
5 presence".

BY MULLINS of Kossuth  
MCKEAN of Jones  
FOGARTY of Palo Alto  
GROTH of Buena Vista

H-3638 FILED APRIL 11, 1983

*H/O 2/2/84 (p. 252)*

SENATE FILE 345

H-5054

- 1 Amend Senate File 345, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By inserting after line 12 the following:
- 4 "3. An industrial clinic, college or school clinic,
- 5 or nonprofit clinic may dispense prescription drugs
- 6 upon the order of a physician."
- 7 2. By renumbering as necessary.

BY SCHROEDER of POTTAWATTAMIE

H-5054 FILED FEBRUARY 1, 1984

*W/S 2/2 (p. 252)*

SENATE FILE 345

H-5055

- 1 Amend the amendment, H-5034, to Senate File 345,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 10 and 11 and
- 5 inserting in lieu thereof the following:
- 6 "3. Page 1, by striking lines 9 through 12 and
- 7 inserting in lieu thereof the words "pensing functions
- 8 to staff assistants when the accuracy and completeness
- 9 of the prescription is verified by the delegating
- 10 pharmacist or practitioner."
- 11 2. By renumbering as necessary.

BY SCHROEDER of POTTAWATTAMIE

H-5055 FILED FEBRUARY 1, 1984

*W/S 2/2 (p. 247)*

SENATE FILE 345

H-5056

- 1 Amend the amendment, H-5034, to Senate File 345,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 10 and 11 and
- 5 inserting in lieu thereof the following:
- 6 "3. Page 1, by striking lines 9 through 12 and
- 7 inserting in lieu thereof the words "pensing functions
- 8 to a nurse, assistant, or other qualified person under
- 9 the pharmacist's or practitioner's direction or
- 10 supervision.""

BY SCHROEDER of POTTAWATTAMIE

H-5056 FILED FEBRUARY 1, 1984

*W/S 2/2 (p. 247)*

SENATE FILE 345

H-5034

1 Amend Senate File 345, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, lines 2 and 3, by striking the words  
4 "or a medical practitioner" and inserting in lieu  
5 thereof the words ", physician, dentist, podiatrist,  
6 or veterinarian".

7 2. Page 1, line 6, by striking the words "or  
8 medical practitioner" and inserting in lieu thereof  
9 the words ", physician, dentist, or podiatrist".

10 3. Page 1, line 11, by striking the word "medical".

11 4. Page 1, line 12, by striking the word "medical".

12 5. Page 1, by striking lines 13 through 18 and  
13 inserting in lieu thereof the following:

14 "3. A physician's assistant or registered nurse  
15 may supply when pharmacist services are not reasonably  
16 available or when it is in the best interests of the  
17 patient, on the direct order of the supervising  
18 physician, a quantity of properly packaged and labeled  
19 prescription drugs, controlled substances, or  
20 contraceptive devices necessary to complete a course  
21 of therapy. However, a remote clinic, staffed by  
22 a physician's assistant or registered nurse, where  
23 pharmacy services are not reasonably available, shall  
24 secure the regular advice and consultation of a  
25 pharmacist regarding the distribution, storage, and  
26 appropriate use of such drugs, substances, and  
27 devices."

28 6. Page 1, line 20, by inserting after the word  
29 "drugs" the words "and devices".

<sup>2</sup> 30 7. Page 1, by striking lines 23 through 28.

<sup>5045</sup> 31 8. Page 1, by striking line 34.

▷ 32 9. By renumbering as necessary.

H-5034 FILED JANUARY 26, 1984 BY COMMITTEE ON HUMAN RESOURCES

A - Adopted 2/2 (p. 249)

B - Adopted (p. 251)

SENATE FILE 345

H-5045

1 Amend the amendment, H-5034, to Senate File 345,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 1, line 30, by inserting after the figure  
5 "28" the words "and inserting in lieu thereof the  
6 following:

7 "5. Notwithstanding subsections 1 and 3, a  
8 physician's assistant or registered nurse with ten  
9 years of experience in the supplying of prescription  
10 drugs, controlled substances, or contraceptive devices  
11 to patients, accumulated prior to the effective date  
12 of this Act, may continue to supply the drugs,  
13 substances, or devices to patients."

H-5045 FILED JANUARY 30, 1984 BY HARBOR of Mills

#18 2/2 (p. 249)

SENATE FILE 345

5062

Amend Senate File 345, as amended, passed, and  
reprinted by the Senate, as follows:

1. Page 1, by inserting after line 12 the  
following:

"3. An industrial clinic, college or school clinic,  
or nonprofit clinic may dispense prescription drugs  
upon the order of a physician."

2. By renumbering as necessary.

H-5062 FILED FEBRUARY 1, 1984 BY SCHROEDER of Pottawattamie

*W/D 2/2 (p. 252)*

SENATE FILE 345

H-5063

Amend the amendment, H-5034, to Senate File 345,  
as amended, passed, and reprinted by the Senate, as  
follows:

1. Page 1, by striking lines 3 through 30 and  
inserting in lieu thereof the following:

"1. Page 1, by striking lines 2 through 28 and  
inserting in lieu thereof the following:

"1. As used in this section:

a. "Dispense" means the preparation, delivery,  
and distribution of a prescription drug pursuant to  
a lawful order of a practitioner in a suitable  
container appropriately labeled for subsequent  
administration to or use by a patient or other  
individual entitled to receive the prescription drug.

b. "Practitioner" means a person licensed to  
practice medicine and surgery under chapter 148,  
podiatry under chapter 149, osteopathy under chapter  
150, osteopathic medicine and surgery under chapter  
150A, or dentistry under chapter 153.

c. "Prescription drugs" means a drug, medicine,  
or controlled substance under chapter 204, which by  
law can be dispensed for human use only by a  
practitioner or by a pharmacist licensed under chapter  
155 upon the order of a practitioner.

2. A practitioner or pharmacist may delegate non-  
judgmental mechanical dispensing functions to qualified  
hospital personnel, or to an agent of the practitioner  
or pharmacist under the practitioner's or pharmacist's  
direction and supervision, including the dispensing  
of controlled substances under chapter 204,  
notwithstanding any other contrary provision of the  
law. The examining boards which license practitioners  
and pharmacists may adopt rules pursuant to chapter  
17A establishing criteria for the delegation of  
dispensing functions."

2. Title page, by striking lines 1 through 4 and  
inserting in lieu thereof the words "An Act authorizing  
specified professionals to delegate nonjudgmental  
or mechanical dispensing functions."

3. By renumbering as necessary.

H-5063 FILED FEBRUARY 1, 1984 BY SCHROEDER of Pottawattamie

*W/D 2/2 (p. 249)*

1 Amend the amendment, H-5034, to Senate File 345,  
 2 as amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 1, by striking lines 3 through 32 and  
 5 inserting in lieu thereof the following:  
 6 "1. By striking everything after the enacting  
 7 clause and inserting in lieu thereof the following:  
 8 "Section 1. Section 147.76, Code 1983, is amended  
 9 by adding the following new unnumbered paragraph:  
 10 NEW UNNUMBERED PARAGRAPH. No later than January  
 11 1, 1985, the board of medical examiners, the board  
 12 of dental examiners, and the board of podiatry  
 13 examiners shall adopt rules pursuant to chapter 17A  
 14 establishing criteria by which a person licensed by  
 15 the respective examining board may delegate  
 16 nonjudgmental or mechanical functions in the dispensing  
 17 of prescription drugs, including controlled substances  
 18 under chapter 204, to a nurse, assistant, or other  
 19 qualified person under the licensed person's direction  
 20 or supervision."  
 21 2. Title page, by striking lines 1 through 4 and  
 22 inserting in lieu thereof the following: "An Act  
 23 requiring certain medical professional boards to adopt  
 24 rules to delegate nonjudgmental or mechanical  
 25 dispensing functions to certain individuals."

H-5057 FILED FEBRUARY 1, 1984 BY SCHROEDER of POTTAWATTAMIE  
*H/D 2/2 (p. 249)*

## SENATE FILE 345

H-5059

1 Amend the amendment, H-5034, to Senate File 345,  
 2 as amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 1, by striking line 14 and inserting in  
 5 lieu thereof the following:  
 6 ""3. A physician's assistant, registered nurse,  
 7 licensed practical nurse, or a staff assistant of  
 8 a practitioner or another qualified individual under  
 9 the practitioner's direction or supervision".

*Lost 2/2 (p. 248)*

H-5059 FILED FEBRUARY 1, 1984 by SCHROEDER of Pottawattamie

## SENATE FILE 345

H-5061

1 Amend the amendment, H-5034, to Senate File 345,  
 2 as amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 1, by striking line 14 and inserting in  
 5 lieu thereof the following:  
 6 "3. A physician's assistant, registered nurse,  
 7 or staff assistant designated by a physician".

H-5061 FILED FEBRUARY 1, 1984  
*Lost 2/2 (p. 248)*

BY MUHLBAUER of Crawford  
 HANSON of Delaware

CARTER of Henry  
 GRUHN of Dickinson  
 COOPER of Lucas

SENATE FILE 345

H-5073

1 Amend the amendment, H-5034, to Senate File 345,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 1, by inserting after line 11 the  
5 following:

6 "1. Page 1, by inserting after line 12 the  
7 following:

8 "This subsection shall not apply to physicians  
9 who dispense from an office located more than ten  
10 miles from a pharmacy if the office provides dispensing  
11 services to the public on at least a one-hour on-call  
12 basis twenty-four hours a day seven days a week."

BY MCKEAN of Jones  
HERMANN of Scott  
LONERGAN of Boone

H-5073 FILED FEB. 2, 1984  
LOST (p. 248)

SENATE FILE 345

H-5068

1 Amend the amendment, H-5034, to Senate File 345,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 1, by striking lines 21 through 27 and  
5 inserting in lieu thereof the words "of therapy."

BY MULLINS of Kossuth  
HERMANN of Scott  
MUHLBAUER of Crawford

H-5068 FILED FEB. 2, 1984  
LOST (p. 249)

SENATE FILE 345

H-5071

1 Amend amendment, H-5034, to Senate File 345, as  
2 amended, passed and reprinted by the Senate, as  
3 follows:

4 1. Page 1, by inserting after line 11 the  
5 following:

6 "1. Page 1, by inserting after line 12 the  
7 following:

8 "This subsection shall not apply to physicians  
9 who regularly dispensed from their office during the  
10 year 1983.""

H-5071 FILED FEB. 2, 1984 BY LONERGAN of Boone  
NOT GERMANE (p. 247)

SENATE FILE 345

H-5072

1 Amend the amendment, H-3617, to Senate File 345,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 1, by inserting after line 10 the  
5 following:

6 "Subsection 2 shall not apply to physicians who  
7 regularly dispensed prescription drugs, including  
8 controlled substances, from their office during the  
9 calendar year 1983."

H-5072 FILED FEB. 2, 1984 BY SCHROEDER of Pottawattamie  
LOST (p. 250)

HOUSE AMENDMENT TO SENATE FILE 345

S-5090

- 1 Amend Senate File 345, as amended, passed, and  
2 reprinted by the Senate, as follows:
- 3 1. Page 1, lines 2 and 3, by striking the words  
4 "or a medical practitioner" and inserting in lieu  
5 thereof the words ", physician, dentist, podiatrist,  
6 or veterinarian".
- 7 2. Page 1, line 6, by striking the words "or  
8 medical practitioner" and inserting in lieu thereof  
9 the words ", physician, dentist, or podiatrist".
- 10 3. Page 1, line 11, by striking the word "medical".
- 11 4. Page 1, line 12, by striking the word "medical".
- 12 5. Page 1, by striking lines 13 through 18 and  
13 inserting in lieu thereof the following:
- 14 "3. A physician's assistant or registered nurse  
15 may supply when pharmacist services are not reasonably  
16 available or when it is in the best interests of the  
17 patient, on the direct order of the supervising  
18 physician, a quantity of properly packaged and labeled  
19 prescription drugs, controlled substances, or  
20 contraceptive devices necessary to complete a course  
21 of therapy. However, a remote clinic, staffed by  
22 a physician's assistant or registered nurse, where  
23 pharmacy services are not reasonably available, shall  
24 secure the regular advice and consultation of a  
25 pharmacist regarding the distribution, storage, and  
26 appropriate use of such drugs, substances, and  
27 devices."
- 28 6. Page 1, line 20, by inserting after the word  
29 "drugs" the words "and devices".
- 30 7. Page 1, by striking lines 23 through 28.
- 31 8. Page 1, by striking line 34.
- 32 9. By renumbering as necessary.

S-5090 FILED  
FEBRUARY 6, 1984

RECEIVED FROM THE HOUSE

*Senate concurred 2/8/84 (p. 250)*

SENATE FILE 345

AN ACT

AUTHORIZING SPECIFIED PROFESSIONALS TO DISPENSE AND ISSUE  
PRESCRIPTION DRUGS AND CONTROLLED SUBSTANCES AND TO DELE-  
GATE NONJUDGMENTAL DISPENSING FUNCTIONS AND PROVIDING A  
PENALTY.

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

Section 1. NEW SECTION. 147.104A DRUG DISPENSING.

1. A person, other than a pharmacist, physician, dentist, podiatrist, or veterinarian who dispenses as an incident to the practice of the practitioner's profession, shall not dispense prescription drugs or controlled substances.

2. A pharmacist, physician, dentist, or podiatrist who dispenses prescription drugs, including but not limited to controlled substances, for human use, may delegate nonjudgmental dispensing functions to staff assistants only when verification of the accuracy and completeness of the prescription is determined by the pharmacist or practitioner in the pharmacist's or practitioner's physical presence.

3. A physician's assistant or registered nurse may supply when pharmacist services are not reasonably available or when it is in the best interests of the patient, on the direct order of the supervising physician, a quantity of properly packaged and labeled prescription drugs, controlled substances, or contraceptive devices necessary to complete a course of therapy. However, a remote clinic, staffed by a physician's assistant or registered nurse, where pharmacy services are not reasonably available, shall secure the regular advice and consultation of a pharmacist regarding the distribution, storage, and appropriate use of such drugs, substances, and devices.

4. Notwithstanding subsection 1, a family planning clinic may dispense birth control drugs and devices upon the order of a physician. Subsections 2 and 3 do not apply to a family planning clinic under this subsection.

5. Notwithstanding section 147.86, a person, including a pharmacist, who violates this section is guilty of a simple misdemeanor.

Sec. 2. Acts of the Sixty-eighth General Assembly, 1980 session, chapter 1036, section 33, subsection 1, is repealed.

\_\_\_\_\_  
ROBERT T. ANDERSON  
President of the Senate

\_\_\_\_\_  
DONALD D. AVENSON  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 345, Seventieth General Assembly.

\_\_\_\_\_  
K. MARIE THAYER  
Secretary of the Senate  
Approved *Aug 21*, 1984

\_\_\_\_\_  
TERRY E. BRANSTAD  
Governor

S.F. 345