

2. A person who violates this section is guilty of a class "D" felony.

3. The board may seek relief pursuant to section 203A.4 restraining any person from violating the provisions of this section. In addition to granting a temporary or permanent injunction, the court may impose a civil penalty not to exceed forty thousand dollars per violation of this section.

4. In addition to other remedies provided for in this chapter, the court may impose a civil penalty of not more than five thousand dollars for each day of intentional violation of a temporary restraining order, preliminary injunction, or permanent injunction issued under authority of this section.

5. The board may refer available evidence concerning a possible violation of this section to the attorney general. The attorney general, with or without such a referral, may institute appropriate criminal proceedings or may refer the case to the appropriate county attorney.

6. This section does not apply to a newspaper or other print medium in which the advertisement appears, or to a broadcast station or other electronic medium which disseminates the advertisement unless the medium knowingly violates this section. A person who sells home testing kits for human immunodeficiency virus antibody or antigen testing shall not cause advertising of the kits to appear in this state from a location outside this state where such advertising is not prohibited without prominently indicating in the advertisement that the sale of the kits is void in this state.

Approved May 12, 1988

CHAPTER 1232

PRESCRIPTION DRUG DISPENSING

H.F. 2113

AN ACT relating to the dispensing of prescription drugs.

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

Section 1. Section 147.107, subsection 2, Code 1987, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. A physician, dentist, or podiatrist who dispenses prescription drugs, other than drug samples, pursuant to this subsection, shall annually register the fact that they dispense prescription drugs with the practitioner's respective examining board.

NEW UNNUMBERED PARAGRAPH. A physician, dentist, or podiatrist who dispenses prescription drugs, other than drug samples, pursuant to this subsection, shall offer to provide the patient with a written prescription that may be dispensed from a pharmacy of the patient's choice or offer to transmit the prescription to a pharmacy of the patient's choice.

Sec. 2. Section 155A.3, Code Supplement 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 14A. "Drug sample" means a drug that is distributed without consideration to a pharmacist or practitioner.

Sec. 3. **NEW SECTION. 155A.38 DISPENSING DRUG SAMPLES.**

A person authorized pursuant to this chapter to dispense shall, when dispensing drug samples, do so without additional charge to the patient.

Approved May 12, 1988