

# House Amendment 1404

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1 1 Amend the amendment, H=1382, to House File 833, as  
1 2 follows:

1 3 #1. Page 1, by striking lines 4 through 8 and  
1 4 inserting the following:

1 5 <<11. A person who knowingly manufacturers, sells,  
1 6 or delivers, or who possesses with intent to sell or  
1 7 deliver, a counterfeit, misbranded, or adulterated  
1 8 drug or device is guilty of the following:

1 9 a. If the person manufactures or produces a  
1 10 counterfeit, misbranded, or adulterated drug or  
1 11 device; or if the quantity of a counterfeit,  
1 12 misbranded, or adulterated drug or device being sold,  
1 13 delivered, or possessed with intent to sell or deliver  
1 14 exceeds one thousand units or dosages; or if the  
1 15 violation is a third or subsequent violation of this  
1 16 subsection, the person is guilty of a class "C"  
1 17 felony.

1 18 b. If the quantity of a counterfeit, misbranded,  
1 19 or adulterated drug or device being sold, delivered,  
1 20 or possessed with intent to sell or deliver exceeds  
1 21 one hundred units or dosages but does not exceed one  
1 22 thousand units or dosages; or if the violation is a  
1 23 second or subsequent violation of this subsection, the  
1 24 person is guilty of a class "D" felony.

1 25 c. All other violations of this subsection shall  
1 26 constitute an aggravated misdemeanor.>>

1 27 #2. Page 1, by striking lines 11 through 14 and  
1 28 inserting the following:

1 29 <<13. A person who knowingly possesses, purchases,  
1 30 or brings into the state a counterfeit, misbranded, or  
1 31 adulterated drug or device is guilty of the following:

1 32 a. If the quantity of a counterfeit, misbranded,  
1 33 or adulterated drug or device being possessed,  
1 34 purchased, or brought into the state exceeds one  
1 35 hundred units or dosages; or if the violation is a  
1 36 second or subsequent violation of this subsection, the  
1 37 person is guilty of a class "D" felony.

1 38 b. All other violations of this subsection shall  
1 39 constitute an aggravated misdemeanor.>>

1 40 #3. Page 1, by inserting after line 16 the  
1 41 following:

1 42 <#\_\_\_\_. Page 10, by inserting after line 17 the  
1 43 following:

1 44 <17. Subsections 1 and 2 shall not apply to a  
1 45 parent or legal guardian administering, in good faith,  
1 46 a prescription drug or device to a child of the parent  
1 47 or a child for whom the individual is designated a  
1 48 legal guardian.>>

1 49 #4. By renumbering as necessary.

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