

House File 562

H-1202

1 Amend House File 562 as follows:

2 1. By striking everything after the enacting clause  
3 and inserting:

4 <Section 1. STUDY — PRESCRIPTION DRUG OR  
5 CONTROLLED SUBSTANCE MEDICATION DEFENSE IN  
6 OPERATING-WHILE-INTOXICATED CASES. The legislative  
7 council is requested to establish an interim study  
8 committee to review the provisions of Code section  
9 321J.2, subsection 11, relating to the prescription  
10 drug or controlled substance medication defense in  
11 a criminal operating-while-intoxicated case and to  
12 consider the application of such a defense in an  
13 administrative license revocation proceeding based on  
14 an operating-while-intoxicated offense. Committee  
15 discussion shall include but not be limited to  
16 whether the prescription drug or controlled substance  
17 medication defense should be confined to criminal  
18 operating-while-intoxicated cases, whether the  
19 prescription drug or controlled substance medication  
20 defense should be included in an implied consent  
21 warning, and if so, what type of medical warning about  
22 the use of the prescription medication and driving  
23 should be required. The committee shall include at  
24 least four members of the general assembly and persons  
25 with expertise in operating-while-intoxicated cases  
26 including representatives from the department of  
27 transportation, the department of justice, prosecution  
28 and defense counsel, and the medical community  
29 including a representative from the pharmacy community.  
30 The study committee shall issue a report to the general  
31 assembly containing its findings and recommendations  
32 by January 15, 2014.>

33 2. Title page, line 1, after <Act> by inserting  
34 <creating a study>

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M. SMITH of Marshall