

February 19, 1965.

Senate File 285

Passed on File.

By GRIFFIN and O'MALLEY.

Passed Senate, Date 4/13

Passed House, Date 4/26

Vote: Ayes 52 Nays 1

Vote: Ayes 89 Nays 0

Approved May 7, 1965

A BILL FOR

public health 4/19 substituted for HF 613 4/26

An Act relating to drugs and medicines.

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

1 Section 1. Section one hundred fifty-five point three (155.3),

2 Code 1962, is hereby amended by adding the following subsections:

3 1. "Prescription" means a written order or an oral order

4 later reduced to writing by a practitioner for a drug or medicine

5 for a particular patient with the specific date of issue, the

6 name and address of the practitioner, the name and address of the

7 patient, the name and quantity of the drug or medicine prescribed,

8 directions for use of the drug or medicine, and in case of a writ-

9 ten order the signature of the practitioner."

10 2. "Prescription drug" means (a) any drug or medicine the

11 label of which is required by federal law to bear the statement:

12 'Caution: federal law prohibits dispensing without a prescrip-

13 tion', (b) any drug or medicine which, because of its toxicity or

14 other potentiality for harmful effect, or the method of its use,

15 or the collateral measures necessary to its use, is not safe for

16 use except under the supervision of a practitioner licensed by

17 law to prescribe, administer, or dispense such drug or medicine,

18 or (c) a new drug or medicine which is limited under state law to

19 use under the professional supervision of a practitioner licensed

20 by law to prescribe, administer, or dispense such drug or medicine.

1 Sec. 2. Section one hundred fifty-five point three (155.3),

2 Code 1962, is further amended by striking lines twenty-nine (29)
3 through thirty-two (32) of subsection seven (7) of such section
4 and inserting in lieu thereof the words "to any prescription drug."

1 Sec. 3. Section one hundred fifty-five point twenty (155.20),

2 Code 1962, is hereby amended as follows:

3 1. By striking lines two (2) through six (6) and inserting in
4 lieu thereof the words "prescription drug".

5 2. By striking from lines ten (10) and eleven (11) the words
6 "prescription-legend drug or medicine" and inserting in lieu there-
7 of the words "prescription drug".

1 Sec. 4. Section one hundred fifty-five point twenty-one
2 (155.21), Code 1962, is hereby amended by striking lines four (4)
3 through eight (8) and inserting in lieu thereof the words "any
4 prescription drug to any re -".

1 Sec. 5. Section one hundred fifty-five point twenty-six
2 155.26), Code 1962, is hereby amended by inserting in line twelve
3 (12) after the word "physician" the words "or the board of phar-
4 macy examiners, its officers, agents, inspectors, and representa-
5 tives".

1 Sec. 6. Section one hundred fifty-five point twenty-seven
2 (155.27), Code 1962, is hereby amended by striking from line nine
3 (9) the words "less than thirty days" and inserting in lieu there-
4 of the words "more than six (6) months".

1 Sec. 7. Chapter one hundred fifty-five (155), Code 1962, is
2 hereby amended by adding the following sections:

3 1. "No person shall:

4 a. "Obtain or attempt to obtain a prescription drug or pro-
5 cure or attempt to procure the administration of a prescription

6 drug by:

7 (1) "Fraud, deceit, misrepresentation, or subterfuge.

8 (2) "Forgery or alteration of a prescription or of any writ-
9 ten order.

10 (3) "Concealment of a material fact.

11 (4) "Use of a false name or the giving of a false address.

12 b. "Willfully make a false statement in any prescription, re-
13 port, or record required by this chapter.

14 c. "For the purpose of obtaining a prescription drug, falsely
15 assume the title of or represent himself to be a manufacturer,
16 wholesaler, pharmacist, pharmacy owner, physician, dentist, vet-
17 erinarian, or other authorized person.

18 d. "Make or utter any false or forged prescription or written
19 order.

20 e. "Affix any false or forged label to a package or receptacle
21 containing prescription drugs.

22 "Information communicated to a physician in an unlawful effort
23 to procure a prescription drug or to procure the administration
24 of any such drug shall not be deemed a privileged communication."

25 2. "Any person who sells or offers for sale, gives away, or
26 administers to another person any substance or preparation con-
27 taining one (1) or more ingredients limited to dispensation by
28 a prescription shall be deemed guilty of violating the provisions
29 of this subsection or any person who violates any provisions of
30 subsection one (1) of this section and upon conviction thereof,
31 shall be fined not more than one thousand (1,000) dollars or be
32 imprisoned in the county jail for not more than one (1) year, or
33 both. For a second (2nd) offense, or if in case of a first (1st)

34 conviction of violation of any provision of subsection one (1) of
35 this section or of violation of any provision of this subsection,
36 the offender shall previously have been convicted of any violation
37 of the laws of the United States or of any state, territory, or
38 district thereof relating to prescription drugs, the offender up-
39 on conviction shall be fined not more than two thousand (2,000)
40 dollars and be imprisoned in the state penitentiary not less than
41 two (2) or more than five (5) years. For a third (3rd) or sub-
42 sequent offense in violation of this subsection or in violation
43 of subsection one (1) of this section, or if the offender shall
44 previously have been convicted two (2) or more times in the aggre-
45 gate of any violation of the laws of the United States or of any
46 state, territory, or district thereof relating to prescription
47 drugs, the offender upon conviction shall be fined not more than
48 five thousand (5,000) dollars and be imprisoned in the state pen-
49 itentiary not less than five (5) or more than ten (10) years.

50 "Any person violating any provision of this chapter by selling,
51 giving away, or administering any prescription drug to a minor
52 shall upon conviction thereof be punished by imprisonment in the
53 state penitentiary for not less than five (5) or more than twenty
54 (20) years.

55 "Nothing in this subsection shall be construed to prevent a
56 licensed practitioner of medicine, nursing, or pharmacy from such
57 acts necessary in the ethical and legal performance of his pro-
58 fession."

59 3. "In any complaint, information, or indictment, and in any
60 action or proceeding brought for the enforcement of any provisions
61 of this chapter, it shall not be necessary to negative any ex-

62 ception, excuse, proviso, or exemption contained in this chapter,
63 and the burden of proof of any such exception, excuse, proviso,
64 or exemption shall be upon the defendant.”

65 4. “It is hereby made the duty of the board of pharmacy exam-
66 iners, its officers, agents, inspectors, and representatives, and
67 of all peace officers within the state, and of all county attor-
68 neys to enforce all provisions of this chapter, except those spe-
69 cifically delegated, and to cooperate with all agencies charged
70 with the enforcement of the laws of the United States, of this
71 state, and of all other states relating to prescription drugs.
72 Officers, agents, inspectors, and representatives of the board of
73 pharmacy examiners shall have the powers and status of peace of-
74 ficers when enforcing the provisions of this chapter.”

1 Sec. 8. Section one hundred forty-seven point ninety-five
2 (147.95), Code 1962, is hereby amended by adding thereto the fol-
3 lowing:

4 “Officers, agents, inspectors, and representatives of the
5 board of pharmacy examiners shall have the powers and status of
6 peace officers when enforcing the provisions of this title.”

1 Sec. 9. Section seven hundred forty-eight point three (748.3),
2 Code 1962, is hereby amended by adding the following subsection:

3 “All special agents appointed by the secretary of the board of
4 pharmacy examiners.”

SENATE FILE 285

- 1 Amend Senate File 285 as follows:
- 2 1. Amend section 7 by striking from lines 26 and 27 the
- 3 words "substance or preparation containing one (1) or more
- 4 ingredients limited to dispensation by a prescription" and in-
- 5 serting in lieu thereof the words "prescription drug".
- 6 2. Amend section 9 by striking from line 3 the word "special".
- 7 3. Amend by adding the following section:
- 8 "This Act, being deemed of immediate importance, shall take
- 9 effect and be in force from and after its publication in The
- 10 Mapleton Press, a newspaper published in Mapleton, Iowa, and in
- 11 The Woodbine Twiner, a newspaper published in Woodbine, Iowa."

Filed *adopted 4/13*
March 12, 1965.

By GRIFFIN and O'MALLEY.

SENATE FILE 285

- 1 Amend Senate File 285 as follows:
- 2 Amend section 7, line 56 by insert-
- 3 ing after the word "medicine," the word "dentistry,".

Filed *adopted 4/13*
March 22, 1965.

By O'MALLEY.

SENATE FILE 285

- 1 Amend Senate File 285, section 7, line 56, by inserting
- 2 after the word "nursing," the words "veterinary medicine,".

Filed *adopted 4/13*
March 31, 1965.

By SHOEMAN.