

February 13, 1969
Passed on File

SENATE FILE 238

By COMMITTEE ON STATE GOVERNMENT

Passed Senate, Date *3-17-69* Passed House, Date *3-30-70*

Vote: Ayes *50* Nays *8* Vote: Ayes *102* Nays *7*

Approved

*Motion to reconsider
tabled 3-17
Passed Senate as
amended by House 4-8, aye 53, nays 0*

A BILL FOR

- 1 An Act relating to the enforcement of laws and regulations
- 2 regarding narcotic drugs, counterfeit drugs and depres-
- 3 sants, and stimulant drugs.
- 4 *Be It Enacted by the General Assembly of the State of Iowa:*
- 5 Section 1. Chapter eighty (80), Code 1966, is amended by
- 6 adding the following sections thereto:
- 7 1. "The state department of public safety shall be pri-
- 8 marily responsible for the enforcement of all laws and regu-
- 9 lations relating to narcotic drugs as defined in subsection
- 10 ten (10) of section two hundred four point one (204.1), Code
- 11 1966; counterfeit drugs as defined in subsection five (5)
- 12 of section one (1), chapter one hundred eighty-nine (189),
- 13 Acts of the Sixty-second General Assembly; and depressants
- 14 or stimulant drugs as defined in subsection six (6) of
- 15 section one (1), chapter one hundred eighty-nine (189), Acts
- 16 of the Sixty-second General Assembly; except for making ac-
- 17 countability audits of the supply and inventory of narcotic
- 18 drugs and depressants or stimulant drugs in the possession
- 19 of pharmacists, doctors, hospitals, rest homes, and nursing
- 20 homes, as well as in the possession of any and all other indi-
- 21 viduals or institutions authorized to have possession of any
- 22 narcotic drugs and depressants or stimulant drugs."
- 23 2. "All agents of the state department of pharmacy who,
- 24 on the effective date of this Act, are either engaged in the
- 25 enforcement of laws or regulations relating to narcotic drugs,

1 counterfeit drugs and depressants, or stimulant drugs, except
2 whose primary responsibility is making accountability audits,
3 are hereby transferred to and shall be considered part of the
4 department of public safety. Salary and expenses for such
5 transferred agents shall be included in the budget of the
6 department of public safety and shall be paid from funds ap-
7 propriated to such state department."

8 3. "Such transferred agents shall not be subject to the
9 requirements and conditions of employment as set forth in sec-
10 tion eighty point fifteen (80.15), Code 1966, as amended by
11 chapter one hundred eleven (111), Acts of the Sixty-second
12 General Assembly. Such transferred agents shall not become
13 members of the Iowa department of public safety peace officers'
14 retirement, accident and disability system, shall not receive
15 any benefits from such system, and shall not be required to
16 contribute to or pay any funds into such system."

17 4. "From and after the effective date of this Act, any
18 additional individuals hired by the state department of public
19 safety for the purpose of enforcement of laws relating to
20 narcotic drugs, counterfeit drugs and depressants, or stimulant
21 drugs shall be subject to the provisions of section eighty
22 point fifteen (80.15), Code 1966, as amended by chapter one
23 hundred eleven (111), Acts of the Sixty-second General Assembly,
24 and such individuals shall be covered by the provisions of
25 chapter ninety-seven A (97A), Code 1966. They shall be en-
26 titled to receive the benefits provided in chapter ninety-
27 seven A (97A), Code 1966, and will be required to make such
28 contributions and payments into the system as are required
29 by such chapter."

30 5. "Nothing in this Act shall be construed as in any man-
31 ner or degree prohibiting a transferred agent from voluntarily
32 submitting himself to the provisions of section eighty point
33 fifteen (80.15), Code 1966, as amended by chapter one hundred
34 eleven (111), Acts of the Sixty-second General Assembly, and,
35 if such transferred agent satisfactorily meets the requirements

1 of such section, he should be subject to all the general duties
2 and responsibilities of other members of the department of
3 public safety and shall be entitled to all benefits available
4 to other members of the department of public safety."

5 6. "The commissioner of public safety shall have the dis-
6 cretionary power and authority to allocate and assign the en-
7 forcement functions and personnel, herein transferred to his
8 department, to the division of criminal investigation and
9 bureau of identification."

10 7. "Every person required by law to keep records, and any
11 carrier maintaining records with respect to any shipment con-
12 taining any narcotic, counterfeit, depressant or stimulant
13 drug shall, upon request of an authorized agent of the depart-
14 ment of public safety, designated by the commissioner of public
15 safety, permit such agent at reasonable times to have access to
16 and copy such records. For the purpose of examining and verify-
17 ing such records authorized agents of the department of public
18 safety, designated by the commissioner of public safety, may
19 enter at reasonable times any place or vehicle in which any
20 narcotic, counterfeit, depressant or stimulant drug is held,
21 manufactured, dispensed, compounded, processed, sold, delivered,
22 or otherwise disposed of and inspect such place or vehicle, and
23 the contents thereof."

24 8. "Any authorized agent of the department of public
25 safety designated to conduct examinations, investigations, or
26 inspections and enforce the laws relating to narcotic, depres-
27 sant, stimulant or counterfeit drugs shall have all the powers
28 of other peace officers and may arrest without warrant for of-
29 fenses under this chapter committed in his presence or, in the
30 case of a felony, if he has probable cause to believe that the
31 person arrested has committed or is committing such offense.
32 Such officers shall have the same powers as other peace officers
33 to seize drugs or articles used in the manufacture or sale of
34 drugs which they have reasonable grounds to believe are in vio-
35 lation of law. Such drugs or articles shall be subject to

1 condemnation.”

2 Sec. 2. Section two hundred four point nineteen (204.19),
3 Code 1966, is hereby amended by striking subsection one (1)
4 and inserting in lieu thereof the following:

5 “It is hereby made the primary duty and responsibility of
6 the state department of public safety, and of the board and
7 of all peace officers within the state, and of all county
8 attorneys, to enforce all provisions of this chapter, except
9 those specifically delegated, and to cooperate with all agen-
10 cies charged with the enforcement of the laws of the United
11 States, of this state, and of all other states relating to
12 narcotic drugs.”

13 Sec. 3. Chapter one hundred eighty-nine (189), Acts of
14 the Sixty-second General Assembly, is hereby amended as fol-
15 lows:

16 1. By striking from line one (1) of section twelve (12)
17 the word “board” and inserting in lieu thereof the words “com-
18 missioner of the department of public safety”.

19 2. By striking from line three (3) of section thirteen
20 (13) the word “board” and inserting in lieu thereof the words
21 “commissioner of the department of public safety”.

22 Sec. 4. Section eighty point nine (80.9), Code 1966, is
23 hereby amended by inserting in subsection one (1) after para-
24 graph f a new paragraph as follows:

25 “When engaged in the investigation and enforcement of laws
26 relating to narcotic, counterfeit, stimulant, and depressant
27 drugs.”

1 Amend Senate File 238 as follows:

2 1. Page two (2), lines four (4) through seven (7), strike
3 all beginning with the word "Salary" and insert the following:
4 "Salary and expenses for such transferred agents included in
5 the budget of the board of pharmacy examiners shall be transferred
6 to the department of public safety by the state comptroller upon the
7 effective date of the transfer."

8 2. Page two (2), line twelve (12), strike the word "not".

9 3. Page two (2), line fourteen (14), strike the word "not".

10 4. Page two (2), line fifteen (15), strike the word "not".

11 5. Page two (2), insert after line sixteen (16) the following
12 new paragraph:

13 "There is hereby appropriated from the general fund of the
14 state eleven thousand dollars, or as much as may be necessary, to
15 the department of public safety for the state's prior years con-
16 tributions to the peace officers retirement system for the trans-
17 ferred agents. Prior years contributions shall include those
18 years for which the transferred agents were employed by the board
19 of pharmacy examiners. State funds contributed and employees
20 contributions to the Iowa public employees retirement system during
21 the period of employment of the transferred agents by the board of
22 pharmacy examiners shall be transferred to the peace officers
23 retirement system by the employment security commission on the
24 effective date of this Act. Contributions to be made by the
25 transferred agents for prior years to the peace officers retire-
26 ment system for the period of employment with the board of phar-
27 macy examiners shall be computed by the peace officers retirement
28 board as of the date of transfer. The board, in making the com-
29 putation for contributions, shall take into effect the transfers
30 of the employees' contribution from the Iowa public employees
31 retirement system. The transferred agents shall make payable to
32 the peace officers retirement system the amount so computed by
33 July 1, 1971."

*Adopted
3/30*

34 6. Page two (2), line seventeen (17), strike the word "From"
35 and insert in lieu thereof the words "Except as provided in this
36 section, from".

37 7. Page two (2), line twenty-nine (29), insert after the
38 period the following:

39 "However, if there is an individual who is not able to meet
40 the qualifications established by section eighty point fifteen
41 (80.15) or chapter ninety-seven A (97A) of the Code, and he
42 otherwise possesses experience and training which qualifies him
43 as a person capable of enforcing laws relating to narcotic drugs,
44 counterfeit drugs and depressant or stimulant drugs, he may be
45 hired by the commissioner of public safety notwithstanding."

46 8. Page three (3), strike all of lines five (5) through
47 nine (9) and insert in lieu thereof the following:

48 "6. The commissioner of public safety shall establish a
49 division of drug law enforcement and assign all enforcement
50 functions and personnel therefor to the division of drug law
51 enforcement. The commissioner shall assign other members of the
52 department of public safety to the division of drug law enforce-
53 ment on a temporary basis or for the purpose of special assign-
54 ment. The division of drug law enforcement and any other division
55 of the department of public safety may co-operate and co-ordinate
56 their efforts in enforcing laws relating to drugs and other laws
57 which the department is charged with enforcing."

Handwritten initials and date: 3/30

58 9. Page three (3), line twenty-three (23), insert after the
59 period the following:

60 "For the purpose of enforcing laws relating to narcotic
61 drugs, counterfeit drugs and depressant or stimulant drugs, and
62 upon good cause shown, personnel of the division of drug law
63 enforcement in the department of public safety shall be allowed
64 to inspect audits and records in the possession of the state
65 board of pharmacy examiners."

66 10. Page four (4), add to section five (5) the following
67 paragraph:

68 Section one hundred eighty-nine point two (189.2), subsection
69 one (1), Code 1966, is hereby further amended by inserting in
70 line two (2) after the figures "203," the words and figures
71 "two hundred three A (203A)."

72 11. Page four (4), add the following new sections:

73 Sec. 6. Section ninety-seven A point one (97A.1), Code 1966,
74 is amended as follows:

75 1. Add to subsection two (2), line ten (10), after the
76 figures "80.15" the words "and the division of drug law enforce-
77 ment in the department of public safety except clerical workers".

78 2. Add to subsection six (6), lines four (4) and five (5),
79 after the word "identification" the words "or division of drug
80 law enforcement".

81 Sec. 7. Section ninety-seven A point three (97A.3), Code
82 1966, subsection one (1), line nine (9), is amended by adding after
83 the word "safety" the words "or division of drug law enforcement
84 in said department".

85 Sec. 8. This Act being deemed of immediate importance shall
86 be in full force and effect from and after its final approval and
87 publication in The Sheffield Press, a newspaper published at
88 Sheffield, Iowa, and The DeWitt Observer, a newspaper published
89 at DeWitt, Iowa.

Filed - Adopted 3/30
March 25, 1970

COMMITTEE ON APPROPRIATIONS
JOHN CAMP, Chairman

HOUSE AMENDMENT TO SENATE FILE 238

1 Amend Senate File 238 as follows:

2 1. Page two (2), lines four (4) through seven (7),
3 strike all beginning with the word "Salary" and insert
4 the following:

5 "Salary and expenses for such transferred agents
6 included in the budget of the board of pharmacy examiners
7 shall be transferred to the department of public safety
8 by the state comptroller upon the effective date of the
9 transfer."

10 2. Page two (2), line twelve (12), strike the word
11 "not".

12 3. Page two (2), line fourteen (14), strike the word
13 "not".

14 4. Page two (2), line fifteen (15), strike the word
15 "not".

16 5. Page two (2), insert after line sixteen (16) the
17 following new paragraph:

18 "There is hereby appropriated from the general fund of
19 the state eleven thousand dollars, or as much as may be
20 necessary, to the department of public safety for the
21 state's prior years contributions to the peace officers
22 retirement system for the transferred agents. Prior years
23 contributions shall include those years for which the
24 transferred agents were employed by the board of pharmacy
25 examiners. State funds contributed and employees
26 contributions to the Iowa public employees retirement system
27 during the period of employment of the transferred agents by
28 the board of pharmacy examiners shall be transferred to the
29 peace officers retirement system by the employment security
30 commission on the effective date of this Act. Contributions
31 to be made by the transferred agents for prior years to
32 the peace officers retirement system for the period of
33 employment with the board of pharmacy examiners shall be
34 computed by the peace officers retirement board as of the

*Senate concurred
4/8*

Senate 2

35 date of transfer. The board, in making the computation for
36 contributions, shall take into effect the transfers of the
37 employees' contribution from the Iowa public employees
38 retirement system. The transferred agents shall make
39 payable to the peace officers retirement system the amount
40 so computed by July 1, 1971."

41 6. Page two (2), line seventeen (17), strike the
42 word "From" and insert in lieu thereof the words "Except
43 as provided in this section, from".

44 7. Page two (2), line twenty-nine (29), insert after
45 the period the following:

46 "However, if there is an individual who is not able to
47 meet the qualifications established by section eighty point
48 fifteen (80.15) or chapter ninety-seven A (97A) of the
49 Code, and he otherwise possesses experience and training
50 which qualifies him as a person capable of enforcing laws
51 relating to narcotic drugs, counterfeit drugs and
52 depressant or stimulant drugs, he may be hired by the
53 commissioner of public safety notwithstanding."

54 8. Page three (3), strike all of lines five (5) through
55 nine (9) and insert in lieu thereof the following:

56 "6. The commisioner of public safety shall establish a
57 division of drug law enforcement and assign all enforcement
58 functions and personnel therefor to the division of drug law
59 enforcement. The commissioner shall assign other members of
60 the department of public safety to the division of drug law
61 enforcement on a temporary basis or for the purpose of
62 special assignment. The division of drug law enforcement
63 and any other division of the department of public safety
64 may co-operate and co-ordinate their efforts in enforcing
65 laws relating to drugs and other laws which the department
66 is charged with enforcing."

67 9. Page three (3), line twenty-three (23), insert after
68 the period the following:

69 "For the purpose of enforcing laws relating to narcotic
70 drugs, couterfeit drugs and depressant or stimulant drugs,
71 and upon good cause shown, personnel of the division of
72 drug law enforcement in the department of public safety
73 shall be allowed to inspect audits and records in the
74 possession of the state board of pharmacy examiners."

75 10. Page 4, by striking lines 16 through 21 and inserting
76 in lieu thereof the following:

77 (1) Section 12, line one (1), by inserting after the word
78 "board" the words "or the commissioner of the department
79 of public safety".

80 (2) Section 13, line three (3), by inserting after the
81 word "board" the words "or the commissioner of the department
82 of public safety".

83 11. Page four (4), add to section five (5) the following
84 paragraph:

85 Section one hundred eighty-nine point two (189.2), sub-
86 section one (1), Code 1966, is hereby further amended by

Senate 3

87 inserting in line two (2) after the figures "203," the words
88 and figures "two hundred three A (203A),".
89 12. Page four (4), add the following new sections:
90 Sec. 6. Section ninety-seven A point one (97A.1), Code
91 1966, is amended as follows:
92 1. Add to subsection two (2), line ten (10), after the
93 figures "80.15" the words "and the division of drug law
94 enforcement in the department of public safety except clerical
95 workers".
96 2. Add to subsection six (6), lines four (4) and five (5),
97 after the word "identification" the words "or division of
98 drug law enforcement".
99 Sec. 7. Section ninety-seven A point three (97A.3),
100 Code 1966, subsection one (1), line nine (9), is amended
101 by adding after the word "safety" the words "or division of
102 drug law enforcement in said department".
103 Sec. 8. This Act being deemed of immediate importance
104 shall be in full force and effect from and after its final
105 approval and publication in The Sheffield Press, a newspaper
106 published at Sheffield, Iowa, and The DeWitt Observer, a
107 newspaper published at DeWitt, Iowa.

Received from the House
April 3, 1970

1 Amend the House amendment to Senate File 238, by adding the
2 following new division:
3 "13. Page 1, by inserting after the word 'drugs' in
4 line 3, the following: 'and making an appropriation to the
5 department of public safety'."

Filed *Withdrawn 4/8*
April 3, 1970

By CLARKE

- 1 Amend Senate File 238 as follows:
2 1. By striking from page 1, line 13, the word
3 "depressants" and inserting in lieu thereof the word
4 "depressant".
5 2. By striking from page 1, line 18, the word
6 "depressants" and inserting in lieu thereof the word
7 "depressant".
8 3. By striking from page 1, line 22, the word
9 "depressants" and inserting in lieu thereof the word
10 "depressant".
11 4. By striking from page 1, line 23, the words
12 "state department of pharmacy" and inserting in lieu
13 thereof the words "board of pharmacy examiners".

Filed - *Adopted 3-19*
February 17, 1969

By CLARKE

- 1 Amend Senate File 238 by adding the following section
2 thereto:
3 "Section one hundred eighty-nine point two (189.2),
4 Code 1966, is hereby amended by striking from subsection
5 one (1), lines two (2), three (3), and four (4) the fol-
6 lowing: ", which shall be executed and enforced by the
7 pharmacy examiners".

Filed - *Adopted 3-17*
February 26, 1969

By CLARKE

FISCAL NOTE
SENATE FILE 238

We have studied your bill relating to the enforcement of laws and regulations regarding narcotic drugs.

Our analysis of the yearly cost to the Department of Public Safety is as follows:

7 Men (Drug Investigators)	\$62,000
Travel	19,600
Equipment	3,750
Insurance (Auto)	750
Office supplies and expense	500
Telephone	350

\$86,950

Included in the above costs is about \$7,000 which was not contemplated in the budget of the Pharmacy Board. This is due to an upgrading in the salaries of the Drug Investigators subsequent to the time the Pharmacy Board budget was submitted. Taking this act into consideration, the Pharmacy Board budget as approved by the Governor could be reduced by about \$80,950.

The above information was obtained from an analysis of the budget information presented by the Pharmacy Board, the current payroll and personal conversation with the Department of Public Safety and the Comptroller's Office. You will notice that we have not allowed an additional secretary to the Department of Public Safety because it is felt that they can make one available. On the other hand, the Pharmacy Board now employs three secretaries and could probably operate with two.

If there are further questions, please let me know.

Yours very truly
GERRY D. RANKIN
Legislative Fiscal Director

- adopted 3-17*
- 1 Amend Senate File 238 as follows:
 - 2 1. By striking from page 2, line 1, the word "depressants,"
 - 3 and inserting in lieu thereof the word "depressant".
 - 4 2. By striking from page 2, line 20, the word "depressants,"
 - 5 and inserting in lieu thereof the word "depressant".
 - 6 3. By striking from page 3, line 1, the word "should" and
 - 7 inserting in lieu thereof the word "shall".

Filed and adopted
March 17, 1969

By CLARKE

- 1 Amend Senate File 238, page 4, by striking lines 16
- 2 through 21 and inserting in lieu thereof the following:
- 3 1. Section 12, line 1, by inserting after the word
- 4 "board" the words "or the commissioner of the department
- 5 of public safety".
- 6 2. Section 13, line 3, by inserting after the word
- 7 "board" the words "or the commissioner of the department
- 8 of public safety".

Filed - *adopted 3/30*
March 26, 1970
In: Appropriations

HUFF of Polk

1 Amend Senate File 238 as follows:

2 1. Page two (2), lines four (4) through seven (7), strike
3 all beginning with the word "Salary" and insert the following:
4 "Salary and expenses for such transferred agents included in
5 the budget of the board of pharmacy examiners shall be transferred
6 to the department of public safety by the state comptroller upon the
7 effective date of the transfer."

8 2. Page two (2), line twelve (12), strike the word "not".

9 3. Page two (2), line fourteen (14), strike the word "not".

10 4. Page two (2), line fifteen (15), strike the word "not".

11 5. Page two (2), insert after line sixteen (16) the following
12 new paragraph:

13 "There is hereby appropriated from the general fund of the
14 state eleven thousand dollars, or as much as may be necessary, to
15 the department of public safety for the state's prior years con-
16 tributions to the peace officers retirement system for the trans-
17 ferred agents. Prior years contributions shall include those
18 years for which the transferred agents were employed by the board
19 of pharmacy examiners. State funds contributed and employees
20 contributions to the Iowa public employees retirement system during
21 the period of employment of the transferred agents by the board of
22 pharmacy examiners shall be transferred to the peace officers
23 retirement system by the employment security commission on the
24 effective date of this Act. Contributions to be made by the
25 transferred agents for prior years to the peace officers retire-
26 ment system for the period of employment with the board of phar-
27 macy examiners shall be computed by the peace officers retirement
28 board as of the date of transfer. The board, in making the com-
29 putation for contributions shall take into effect the transfers
30 of the employees contribution from the Iowa public employees
31 retirement system. The transferred agents shall make payable to
32 the peace officers retirement system the amount so computed by
33 July 1, 1971."

*11/22/71
3/2/72*

34 6. Page two (2), line seventeen (17), strike the word "From"
35 and insert in lieu thereof the words "Except as provided in this
36 section, from".

37 7. Page two (2), line twenty-nine (29), insert after the
38 period the following:

39 "However, if there is an individual who is not able to meet
40 the qualifications established by section eighty point fifteen
41 (80.15) or chapter ninety-seven A (97A) of the Code, and he
42 otherwise possesses experience and training which qualifies him
43 as a person capable of enforcing laws relating to narcotic drugs,
44 counterfeit drugs and depressant or stimulant drugs, he may be
45 hired by the commissioner of public safety notwithstanding."

46 8. Page three (3), strike all of lines five (5) through
47 nine (9) and insert in lieu thereof the following:
48 "6. The commissioner of public safety shall establish a
49 division of drug law enforcement and assign all enforcement
50 functions and personnel therefor to the division of drug law
51 enforcement. The commissioner shall assign other members of the
52 department of public safety to the division of drug law enforce-
53 ment on a temporary basis or for the purpose of special assign-
54 ment. The division of drug law enforcement and any other division
55 of the department of public safety may co-operate and co-ordinate
56 their efforts in enforcing laws relating to drugs and other laws
57 which the department is charged with enforcing."

3/30

58 9. Page three (3), line twenty-three (23), insert after the
59 period the following:

60 "For the purpose of enforcing laws relating to narcotic
61 drugs, counterfeit drugs and depressant or stimulant drugs, and
62 upon good cause shown, personnel of the division of drug law
63 enforcement in the department of public safety shall be allowed
64 to inspect audits and records in the possession of the state
65 board of pharmacy examiners."

66 10. Page four (4), add to section five (5) the following
67 paragraph:

68 Section one hundred eighty-nine point two (189.2), subsection
69 one (1), Code 1966, is hereby further amended by inserting in
70 line two (2) after the figures "203," the words and figures
71 "two hundred three A (203A)."

72 11. Page four (4), add the following new sections:

73 Sec. 6. Section ninety-seven A point one (97A.1), Code 1966,
74 is amended as follows:

75 1. Add to subsection two (2), line ten (10), after the
76 figures "80.15" the words "and the division of drug law enforce-
77 ment in the department of public safety except clerical workers".

78 2. Add to subsection six (6), lines four (4) and five (5),
79 after the word "identification" the words "or division of drug
80 law enforcement".

81 Sec. 7. Section ninety-seven A point three (97A.3), Code
82 1966, subsection one (1), line nine (9), is amended by adding
83 after the word "safety" the words "or division of drug law
84 enforcement in said department".

*Withdrawn
3/30*

COMMITTEE ON STATE GOVERNMENT
C. RAYMOND FISHER, Chairman

1 The Board of Pharmacy examiners licenses pharmacists and
2 conducts accountability audits of and enforces the criminal
3 laws concerning narcotic, depressant, and stimulant drugs.
4 Criminal traffic in narcotic, depressant, and stimulant
5 drugs has increased in recent years and such increase in
6 criminal traffic has been in drugs that come from outside
7 of the legitimate drug channels within the State of Iowa.
8 This criminal drug traffic is intricately interwoven into
9 other criminal activity in Iowa. This bill transfers the
10 responsibility for enforcing the criminal laws against
11 illegal traffic in narcotic, depressant, counterfeit, and
12 stimulant drugs to the law enforcement agency of state
13 government, the Department of Public Safety.