

SENATE FILE 301

By COMMITTEE ON HUMAN RESOURCES

FILED MAR 1 1973

Senate File 301  
Miller of Calhoun  
Hill  
Schroeder

Passed Senate, Date 4-13-73 Passed House, Date \_\_\_\_\_  
Vote: Ayes 32 Nays 6 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the sale, distribution or advertisement  
2 of contraceptive products, and the regulation of distribu-  
3 tion of venereal disease prophylactics.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
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1 Section 1. Section seven hundred twenty-five point five  
2 (725.5), Code 1973, is amended to read as follows:

3 725.5 OBSCENE LITERATURE--ARTICLES FOR IMMORAL USE.

4 Whoever sells, or offers for sale, or gives away, or has in  
5 his possession with intent to sell, loan, or give away any  
6 obscene, lewd, indecent, lascivious, or filthy book, pamphlet,  
7 paper, drawing, lithograph, engraving, picture, photograph,  
8 writing, card, postal card, model, cast, or any instrument or  
9 article of indecent or immoral use, or any medicine, article,  
10 or thing designed or intended for procuring abortion ~~or pre-~~  
11 ~~venting-conception~~, or advertises the same for sale, or  
12 writes or prints any letter, circular, handbill, card, book,  
13 pamphlet, advertisement, or notice of any kind, giving infor-  
14 mation, directly or indirectly, when, where, how, or by what  
15 means any of the articles or things hereinbefore mentioned  
16 can be purchased, or otherwise obtained or made, shall be  
17 guilty of a misdemeanor and be fined not more than one  
18 thousand nor less than fifty dollars, or be imprisoned in  
19 the county jail not more than one year, or both.

20 Sec. 2. Section one hundred thirty-five point eleven  
21 (135.11), Code 1973, is amended by adding the following new  
22 subsection:

23 NEW SUBSECTION. Establish standards for and exercise  
24 control over the distribution of venereal disease prophyl-  
25 lactics distributed by methods not under the direct super-  
26 vision of a physician licensed under chapter one hundred  
27 forty-eight (148), one hundred fifty (150), or one hundred  
28 fifty A (150A) of the Code or a pharmacist licensed under  
29 chapter one hundred forty-seven (147) of the Code.

30 EXPLANATION

31 This bill removes the prohibition against the sale, offer  
32 to sell, gift, or advertisement of contraceptive products. It  
33 also gives the Department of Health the authority to regulate  
34 the distribution of venereal disease prophylactics.

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S-380

1 Amend Senate File 301, page 2, by striking lines 25  
2 through 29, inclusive, and inserting in lieu thereof  
3 "lactics."

S-380 Filed  
April 12, 1973

*withdrawn*

*4/13/73*

By DODERER and SCHWIEGER

S-383

1 Amend Senate File 301 as follows:

2 1. Page 2, line 23, by inserting after the word "for"  
3 the words", issue permits,".

4 2. Page 2, line 29, by inserting after the period the  
5 following: "Any person selling, offering for sale, or  
6 giving away any venereal disease prophylactics in

7 violation  
8 of the standards established by the department shall be  
9 fined not exceeding five hundred dollars, and the depart-  
10 ment shall revoke their permit."

11 3. Page 2, by inserting after line 29, the following  
12 section:

13 Sec. \_\_\_\_ . NEW SECTION. The department of agriculture  
14 and the board of pharmacy examiners shall, when requested  
15 by the department of health, obtain samples of venereal  
16 disease prophylactics in the course of their regular  
17 inspections or duties and shall deliver the samples to the  
department of health.

S-383 Filed and adopted  
April 13, 1973

By DODERER

S-386

1 Amend Senate File 301, page 2, line 28 by adding a  
2 period (.) after the word "Code" and striking the  
3 remainder  
of line 28 and line 29.

S-386 Filed and withdrawn  
April 13, 1973

By DODERER

S-388

1 Amend Senate File 301, page 1, line 3, by inserting after  
2 the word "prophylactics" the words "and providing a  
3 penalty".

S-388 Filed and adopted  
April 13, 1973

By DODERER

1 Amend Senate File 301, page 2, by adding after line  
2 29 the following new section:

3 "Sec. \_\_\_\_ Chapter one hundred forty (140), Code  
4 1973, is amended by adding the following new section:

5 NEW SECTION. No person or corporation shall sell  
6 any venereal disease prophylactic unless they hold a  
7 valid registration attached to a vending machine or per-  
8 mit issued by the state department of health pursuant  
9 to section one hundred thirty-five point eleven (135.11),

of

10 the Code. All permits and registrations shall be issued  
11 for a period of one year. The fee for registering a vend-  
12 ing machine or a permit to sell venereal disease prophy-  
13 lactics shall be ten dollars per year. If the renewal  
14 application with the required fee is not submitted before  
15 the expiration date the renewal fee shall be twenty

dollars

16 per year. The fees collected under this section shall  
17 be deposited in the state general fund. The application  
18 for registration of a vending machine shall state the  
19 specific location of where the machine will be placed.

Page 2

1 Any permit or registration may be denied or revoked  
2 by the commissioner of public health upon finding viola-  
3 tion of this chapter or of the rules adopted under section  
4 one hundred thirty-five point eleven (135.11). Such  
5 revocation or denial shall be affected by mailing the  
6 notice by certified mail or by personal service to the  
7 person holding the permit or registration or the applicant.  
8 The denial or revocation shall be effective upon receipt.  
9 The person holding the permit or registration or the  
0 applicant may request a hearing before the commissioner  
1 of public health by written notice at any time within  
2 thirty days after such notice is mailed. On the basis  
3 of any such hearing or upon default by the person request-  
4 ing the hearing, the determination in the notice may be  
5 affirmed, modified or set aside by the commissioner of  
6 public health. A copy of the decision shall be sent by  
7 certified mail or served personally to the person request-  
8 ing the hearing. The decision may be appealed to the  
9 district court of the county in which the alleged viola-  
0 tion occurred within thirty days after such decision  
1 is mailed or served. Appeal of the decision shall not  
2 stay the order of the commissioner unless the court or-  
3 ders otherwise. Review shall be de novo."