

House File 1464

Judiciary

Miller of Des Moines, *3/31, Pass 4/28*

Chairperson

Shaw

Doderer

HOUSE FILE

1464

Place On Calendar

By COMMITTEE ON JUDICIARY AND  
LAW ENFORCEMENT

Passed House, Date 3-23-76 (1346) Passed Senate, Date 4-30-76 (1653)

Vote: Ayes 92 Nays 0 Vote: Ayes 39 Nays 0

Approved 5-13-76

## A BILL FOR

1 An Act relating to regulation of prescription drugs and con-  
2 trolled substances by the board of pharmacy examiners.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

H-5902

1  
2

Amend House File 1464 as follows:

1. Page 1, by striking lines 24 through 27.

H-5902 FILED BY MONROE of Des Moines

MARCH 19, 1976 *Adopted 3/23 (1346)*

1 Section 1. Section one hundred fifty-five point three  
2 (155.3), subsection five (5), Code 1975, is amended to read  
3 as follows:

4 5. The term "wholesaler" shall mean any person operating  
5 or maintaining, either within or outside this state, a  
6 manufacturing plant, wholesale distribution center, wholesale  
7 business or any other business in which prescription drugs,  
8 medicinal chemicals, medicines or poisons, are sold,  
9 manufactured, compounded, dispensed, stocked, exposed or  
10 offered for sale at wholesale in this state. The term  
11 "wholesaler" shall not include those wholesalers who sell  
12 only the products defined in subsection 7. Nothing contained  
13 in this subsection shall in any way affect the exemptions  
14 provided in section 155.25.

15 Sec. 2. Section one hundred fifty-five point twelve  
16 (155.12), unnumbered paragraph two (2), Code 1975, is amended  
17 to read as follows:

18 Each license shall be issued only for the premises and  
19 to the persons named in the application and shall not be  
20 transferred or assigned. If a corporation or other business  
21 entity licensee elects to change or replace the pharmacist-  
22 manager within an annual registration period, a new license  
23 shall be obtained from the board ~~without-additional-fee~~.

24 Sec. 3. Section two hundred four point three hundred four  
25 (204.304), subsection one (1), Code 1975, is amended by adding  
26 the following new paragraph:

27 NEW PARAGRAPH. Has violated any provision of this chapter.

28 Sec. 4. Section two hundred four point three hundred six  
29 (204.306), Code 1975, is amended by adding the following new  
30 unnumbered paragraph:

31 NEW UNNUMBERED PARAGRAPH. No person shall distribute  
32 complimentary packages of controlled substances, to a  
33 practitioner unless that person prepares and leaves with the  
34 practitioner a specific written list of the items so  
35 distributed. This list shall be prepared on a form prescribed

1 by rules promulgated by the board, and the person who  
2 distributes the items listed shall send a copy of the list  
3 to the board as soon as practicable after distribution of  
4 the complimentary packages to the practitioner.

5 Sec. 5. Section two hundred four point five hundred five  
6 (204.505), subsection one (1), Code 1975, is amended by adding  
7 the following new paragraph:

8 NEW PARAGRAPH. All controlled substances in the possession  
9 of a practitioner which are material to a record-keeping  
10 violation.

#### 11 EXPLANATION

12 This bill makes a number of revisions in and additions  
13 to chapters 155 and 204 of the Code, in order to enable the  
14 Board of Pharmacy Examiners to more effectively regulate  
15 certain aspects of the handling and distribution of  
16 prescription drugs and controlled substances.

17 Section one clarifies the definition of the term  
18 "wholesaler" in section 155.3 so that it clearly covers those  
19 who manufacture or distribute prescription drugs outside Iowa  
20 but who deal with licensed pharmacies or other dispensers  
21 located in Iowa.

22 Section two deletes the present provision that the new  
23 license, required when an entity licensed to operate a pharmacy  
24 replaces the pharmacist-manager of that store during the  
25 license year, may be obtained without fee.

26 Section three of the bill authorizes the Board of Pharmacy  
27 Examiners, by administrative hearing, to suspend or revoke  
28 a registration to manufacture or distribute controlled  
29 substances in cases where the registrant has committed a  
30 violation, without the registrant first being convicted on  
31 a criminal charge arising from the violation.

32 Section four prohibits the practice of distributing  
33 complimentary packages of controlled substances to doctors  
34 and other practitioners unless a record is kept of the kind  
35 and amount of the pharmaceuticals so distributed. It is

1 intended to help control a potential source of entry of drugs  
2 into illegitimate channels.

3 Section five permits the Board of Pharmacy Examiners to  
4 seize any controlled substances in the possession of a  
5 practitioner which are involved in the practitioner's failure  
6 to keep accurate records of the controlled substances in his  
7 possession.

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

LSB 4189  
pb/rh/31

HOUSE FILE 1464

AN ACT

RELATING TO REGULATION OF PRESCRIPTION DRUGS AND CONTROLLED  
SUBSTANCES BY THE BOARD OF PHARMACY EXAMINERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section one hundred fifty-five point three (155.3), subsection five (5), Code 1975, is amended to read as follows:

5. The term "wholesaler" shall mean any person operating or maintaining, either within or outside this state, a manufacturing plant, wholesale distribution center, wholesale business or any other business in which prescription drugs, medicinal chemicals, medicines or poisons, are sold, manufactured, compounded, dispensed, stocked, exposed or offered for sale at wholesale in this state. The term "wholesaler" shall not include those wholesalers who sell only the products defined in subsection 7. Nothing contained in this subsection shall in any way affect the exemptions provided in section 155.25.

Sec. 2. Section one hundred fifty-five point twelve (155.12), unnumbered paragraph two (2), Code 1975, is amended to read as follows:

Each license shall be issued only for the premises and to the persons named in the application and shall not be transferred or assigned. If a corporation or other business entity licensee elects to change or replace the pharmacist-manager within an annual registration period, a new license shall be obtained from the board ~~without-additional-fee~~.

Sec. 3. Section two hundred four point three hundred six (204.306), Code 1975, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. No person shall distribute complimentary packages of controlled substances, to a

practitioner unless that person prepares and leaves with the practitioner a specific written list of the items so distributed. This list shall be prepared on a form prescribed by rules promulgated by the board, and the person who distributes the items listed shall send a copy of the list to the board as soon as practicable after distribution of the complimentary packages to the practitioner.

Sec. 4. Section two hundred four point five hundred five (204.505), subsection one (1), Code 1975, is amended by adding the following new paragraph:

NEW PARAGRAPH. All controlled substances in the possession of a practitioner which are material to a record-keeping violation.

\_\_\_\_\_  
DALE M. COCHRAN  
Speaker of the House

\_\_\_\_\_  
ARTHUR A. NEU  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 1464, Sixty-sixth General Assembly.

\_\_\_\_\_  
DAVID L. WRAY  
Chief Clerk of the House

Approved May 13, 1976

\_\_\_\_\_  
ROBERT D. RAY  
Governor