

JAN 25 1988

Place On Calendar

HOUSE FILE 2128

BY COMMITTEE ON HUMAN  
RESOURCES

(Formerly House Study Bill 526)

*Amended for H.R. 2045*

Passed House, Date 2/5/88 (H. 214) Passed Senate, Date 2/12/88 (S. 211)

Vote: Ayes 36 Nays 0 Vote: Ayes 28 Nays 7

Approved March 2, 1988 (H. 245)

**A BILL FOR**

1 An Act relating to drugs, devices, and cosmetics.

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

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HF 2128

1 Section 1. Section 203A.14, subsection 2, Code 1987, is  
2 amended to read as follows:

3 2. For the purpose of this chapter the advertisement of a  
4 drug or device representing it to have any effect in the  
5 diagnosis, prevention, or treatment of albuminuria,  
6 appendicitis, arteriosclerosis, arthritis, blood poison, bone  
7 disease, Bright's disease, cancer, carbuncles, cholecystitis,  
8 degenerative neurological diseases, diabetes, diphtheria,  
9 dropsy, erysipelas, gallstones, heart and vascular diseases,  
10 high blood pressure, diseases of the immune system,  
11 mastoiditis, measles, meningitis, mumps, nephritis, otitis-  
12 media, paralysis, pneumonia, poliomyelitis (infantile  
13 paralysis), prostate gland disorders, pyelitis, scarlet fever,  
14 sexual impotence, sinus infection, smallpox, tuberculosis,  
15 tumors, typhoid, uremia, venereal disease, shall also be  
16 deemed to be false, except that no advertisement not in  
17 violation of subsection 1 shall be deemed to be false under  
18 this subsection if it is disseminated only to doctors,  
19 dentists or veterinarians, or appears only in the scientific  
20 periodicals of these professions, or is disseminated only for  
21 the purpose of public-health education by persons not  
22 commercially interested, directly or indirectly, in the sale  
23 of such drugs or devices; provided, that whenever the board  
24 determines that an advance in medical science has made any  
25 type of self-medication safe as to any of the diseases named  
26 above, the board shall by regulation authorize the  
27 advertisement of drugs having curative or therapeutic effect  
28 for such disease, subject to such conditions and restrictions  
29 as the board may deem necessary in the interests of public  
30 health; provided, that this subsection shall not be construed  
31 as indicating that self-medication for disease other than  
32 those named herein is safe or efficacious.

33 Sec. 2. Section 203A.20, Code 1987, is amended to read as  
34 follows:

35 203A.20 EXCEPTION TO CHAPTER.

1 The provisions of this chapter shall not apply to any  
2 person, firm or corporation subject-to which complies with the  
3 federal Food, Drug and Cosmetics Act.

4 EXPLANATION

5 This bill includes arthritis, degenerative neurological  
6 diseases, and diseases of the immune system in the listing of  
7 diseases and conditions for which, prior to the advertisement  
8 of a drug or device representing it to have any effect in the  
9 diagnosis, prevention, or treatment of these diseases or  
10 conditions, a determination must be made that the drug or  
11 device is safe and effective.

12 The bill also limits the exemption from the federal Food,  
13 Drug, and Cosmetic Act of national companies selling products  
14 in Iowa, to include only those companies which comply with the  
15 federal law rather than those which are subject to the federal  
16 law.

17 SIMILAR TO HOUSE STUDY BILL 526 (LSB 7687HI)

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Health Care  
Hammond, Chair

USB 526

House Study Bill 526

HUMAN RESOURCES

Human Resources: Hammond, Chair: Harper, Hermann, Hester, Mullins, Norrgard and  
Tesford.

Harper  
Mullins  
Hester  
Hermann

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED AIDS TASK  
FORCE BILL)

now  
2128

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

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2 amended to read as follows:

3 2. For the purpose of this chapter the advertisement of a  
4 drug or device representing it to have any effect in  
5 albuminuria, appendicitis, arteriosclerosis, arthritis, blood  
6 poison, bone disease, Bright's disease, cancer, carbuncles,  
7 cholecystitis, diabetes, diphtheria, dropsy, erysipelas,  
8 gallstones, heart and vascular diseases, high blood pressure,  
9 diseases of the immune system, mastoiditis, measles,  
10 meningitis, mumps, nephritis, otitis-media, paralysis,  
11 pneumonia, poliomyelitis (infantile paralysis), prostate gland  
12 disorders, pyelitis, scarlet fever, sexual impotence, sinus  
13 infection, smallpox, tuberculosis, tumors, typhoid, uremia,  
14 venereal disease, shall also be deemed to be false, except  
15 that no advertisement not in violation of subsection 1 shall  
16 be deemed to be false under this subsection if it is  
17 disseminated only to doctors, dentists or veterinarians, or  
18 appears only in the scientific periodicals of these  
19 professions, or is disseminated only for the purpose of  
20 public-health education by persons not commercially  
21 interested, directly or indirectly, in the sale of such drugs  
22 or devices; provided, that whenever the board determines that  
23 an advance in medical science has made any type of self-  
24 medication safe as to any of the diseases named above, the  
25 board shall by regulation authorize the advertisement of drugs  
26 having curative or therapeutic effect for such disease,  
27 subject to such conditions and restrictions as the board may  
28 deem necessary in the interests of public health; provided,  
29 that this subsection shall not be construed as indicating that  
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33 follows:

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1 person, firm or corporation ~~subject-to~~ which complies with the  
2 federal Food, Drug and Cosmetics Act.

3 EXPLANATION

4 This bill includes arthritis and diseases of the immune  
5 system in the listing of diseases and conditions for which,  
6 prior to the advertisement of a drug or device representing it  
7 to have any effect on these diseases or conditions, a  
8 determination must be made that the drug or device is safe and  
9 effective.

10 The bill also limits the exemption from the federal Food,  
11 Drug, and Cosmetic Act of national companies selling products  
12 in Iowa, to include only those companies which comply with the  
13 federal law rather than those which are subject to the federal  
14 law.

15 COMPANION TO LSB 7688SI

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HOUSE FILE 2128

AN ACT

RELATING TO DRUGS, DEVICES, AND COSMETICS.

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

Section 1. Section 203A.14, subsection 2, Code 1987, is amended to read as follows:

2. For the purpose of this chapter the advertisement of a drug or device representing it to have any effect in the diagnosis, prevention, or treatment of albuminuria, appendicitis, arteriosclerosis, arthritis, blood poison, bone disease, Bright's disease, cancer, carbuncles, cholecystitis, degenerative neurological diseases, diabetes, diphtheria, dropsy, erysipelas, gallstones, heart and vascular diseases, high blood pressure, diseases of the immune system, mastoiditis, measles, meningitis, mumps, nephritis, otitis-media, paralysis, pneumonia, poliomyelitis (infantile paralysis), prostate gland disorders, pyelitis, scarlet fever, sexual impotence, sinus infection, smallpox, tuberculosis, tumors, typhoid, uremia, venereal disease, shall also be deemed to be false, except that no advertisement not in violation of subsection 1 shall be deemed to be false under this subsection if it is disseminated only to doctors, dentists or veterinarians, or appears only in the scientific periodicals of these professions, or is disseminated only for the purpose of public-health education by persons not commercially interested, directly or indirectly, in the sale of such drugs or devices; provided, that whenever the board determines that an advance in medical science has made any type of self-medication safe as to any of the diseases named above, the board shall by regulation authorize the advertisement of drugs having curative or therapeutic effect for such disease, subject to such conditions and restrictions

as the board may deem necessary in the interests of public health; provided, that this subsection shall not be construed as indicating that self-medication for disease other than those named herein is safe or efficacious.

Sec. 2. Section 203A.20, Code 1987, is amended to read as follows:

203A.20 EXCEPTION TO CHAPTER.

The provisions of this chapter shall not apply to any person, firm or corporation subject to which complies with the federal Food, Drug and Cosmetics Act.

\_\_\_\_\_  
DONALD D. AVENSON  
Speaker of the House

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JO ANN ZIMMERMAN  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2128, Seventy-second General Assembly.

Approved March 2, 1988  
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JOSEPH O'HERN  
Chief Clerk of the House

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TERRY E. BRANSTAD  
Governor

HF 2128