

**House File 2163 - Introduced**

HOUSE FILE 2163

BY R. OLSON

**A BILL FOR**

1 An Act relating to a person who operates a motor vehicle while  
2 under the influence of prescription drugs.

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

1 Section 1. Section 321J.2, subsection 11, Code Supplement  
2 2011, is amended to read as follows:

3 11. *a.* This section does not apply to a person operating  
4 a motor vehicle while under the influence of a drug if the  
5 ~~substance was prescribed for the person and was taken under the~~  
6 ~~prescription and in accordance with the directions of a medical~~  
7 ~~practitioner as defined in chapter 155A or if the substance was~~  
8 ~~dispensed by a pharmacist without a prescription pursuant to~~  
9 ~~the rules of the board of pharmacy, if there is no evidence~~  
10 ~~of the consumption of alcohol and the medical practitioner~~  
11 ~~or pharmacist had not directed the person to refrain from~~  
12 ~~operating a motor vehicle conditions described in section~~  
13 ~~321J.18A, subsection 1, exist.~~

14 *b.* When charged with a violation of subsection 1, paragraph  
15 "*c*", a person may assert, ~~as an the affirmative defense,~~ that  
16 ~~the controlled substance present in the person's blood or~~  
17 ~~urine was prescribed or dispensed for the person and was taken~~  
18 ~~in accordance with the directions of a practitioner and the~~  
19 ~~labeling directions of the pharmacy, as that person and place~~  
20 ~~of business are defined in section 155A.3 described in section~~  
21 ~~321J.18A, subsection 2.~~

22 Sec. 2. NEW SECTION. 321J.18A Prescription drugs — no  
23 evidence of alcohol — affirmative defense.

24 1. This chapter does not apply to a person operating a  
25 motor vehicle while under the influence of a drug if the  
26 substance was prescribed for the person and was taken under the  
27 prescription and in accordance with the directions of a medical  
28 practitioner as defined in chapter 155A or if the substance was  
29 dispensed by a pharmacist without a prescription pursuant to  
30 the rules of the board of pharmacy, if there is no evidence  
31 of the consumption of alcohol and the medical practitioner  
32 or pharmacist had not directed the person to refrain from  
33 operating a motor vehicle.

34 2. When charged with a violation of this chapter, a person  
35 may assert, as an affirmative defense, that the controlled

1 substance present in the person's blood or urine was prescribed  
2 or dispensed for the person and was taken in accordance with  
3 the directions of a practitioner and the labeling directions of  
4 the pharmacy, as that person and place of business are defined  
5 in section 155A.3.

6

EXPLANATION

7 This bill relates to a person who operates a motor vehicle  
8 while under the influence of prescription drugs.

9 The bill duplicates language in Code section 321J.2,  
10 relating to the prescription drug defense currently available  
11 for a person who is criminally charged with operating a motor  
12 vehicle while under the influence of a drug where there is no  
13 evidence of alcohol, and makes this defense applicable to civil  
14 administrative license revocations as well as criminal offenses  
15 under Code chapter 321J.