

House File 396 - Introduced

HOUSE FILE 396

BY SHIPLEY

A BILL FOR

1 An Act prohibiting certain advertising of prescription drugs in
2 the state and providing penalties.

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

1 Section 1. Section 714.21A, Code 2021, is amended to read
2 as follows:

3 **714.21A Civil enforcement.**

4 A violation of [chapter 261B](#), or [section 714.17](#), [714.18](#),
5 [714.20](#), [714.23](#), ~~or~~ [714.25](#), or [714.29](#) constitutes an unlawful
6 practice pursuant to [section 714.16](#).

7 Sec. 2. NEW SECTION. **714.29 Advertising of prescription**
8 **drugs prohibited.**

9 1. As used in this section, unless the context otherwise
10 requires:

11 *a. "Manufacturer of prescription drugs" or "manufacturer"*
12 means a manufacturer of prescription drugs or an affiliate
13 of the manufacturer or a labeler that receives prescription
14 drugs from a manufacturer or wholesaler and repackages those
15 prescription drugs for later retail sale and that has a labeler
16 code from the United States food and drug administration under
17 21 C.F.R. §2027.20.

18 *b. "Prescription drug"* means the same as defined in section
19 155A.3.

20 *c. "Regulated advertisement"* means the presentation to the
21 general public of a commercial message regarding a prescription
22 drug by a manufacturer of prescription drugs that meets one of
23 the following conditions:

24 (1) Is broadcast on television or radio from a station that
25 is physically located in the state.

26 (2) Is broadcast over the internet from a location in the
27 state.

28 (3) Is printed in magazines or newspapers that are printed,
29 distributed, or sold in the state.

30 2. A manufacturer shall not present, or cause to be
31 presented in this state, a regulated advertisement.

32 3. A violation of this section is a serious misdemeanor.
33 Each day a manufacturer is in violation of this section is
34 considered a separate violation.

35

EXPLANATION

H.F. 396

1 The inclusion of this explanation does not constitute agreement with
2 the explanation's substance by the members of the general assembly.

3 This bill prohibits the advertising of prescription drugs,
4 either by broadcast by a television or radio station in this
5 state, over the internet from a location in this state, or in
6 a magazine or newspaper printed, distributed, or sold in this
7 state. A violation of the bill is a serious misdemeanor. A
8 serious misdemeanor is punishable by confinement for no more
9 than one year and a fine of at least \$430 but not more than
10 \$2,560. Each day a manufacturer is in violation of the bill is
11 considered a separate violation. A violation of the bill is
12 also an unlawful practice under Code section 714.16 (consumer
13 frauds) which includes enforcement provisions relating to
14 injunctive relief and other relief and civil penalties.