

3. A physician's assistant or registered nurse may supply when pharmacist services are not reasonably available or when it is in the best interests of the patient, on the direct order of the supervising physician, a quantity of properly packaged and labeled prescription drugs, controlled substances, or contraceptive devices necessary to complete a course of therapy. However, a remote clinic, staffed by a physician's assistant or registered nurse, where pharmacy services are not reasonably available, shall secure the regular advice and consultation of a pharmacist regarding the distribution, storage, and appropriate use of such drugs, substances, and devices.

4. Notwithstanding subsection 1, a family planning clinic may dispense birth control drugs and devices upon the order of a physician. Subsections 2 and 3 do not apply to a family planning clinic under this subsection.

5. Notwithstanding section 147.86, a person, including a pharmacist, who violates this section is guilty of a simple misdemeanor.

Sec. 2. Acts of the Sixty-eighth General Assembly, 1980 Session, chapter 1036, section 33, subsection 1, is repealed.

Approved February 21, 1984

CHAPTER 1007
REGULATORY FLEXIBILITY ANALYSIS
S.F. 475

AN ACT to provide for a regulatory flexibility analysis in the promulgation of administrative rules.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Chapter 17A, Code 1983, is amended by adding the following new section:

NEW SECTION. SMALL BUSINESS REGULATORY FLEXIBILITY ANALYSIS.

1. For the purpose of this section, "small business" means a business entity organized for profit, including but not limited to an individual, partnership, corporation, joint venture, association, or cooperative, to which the following apply:

- a. It is not an affiliate or subsidiary of a business dominant in its field of operation.
- b. It has either twenty or fewer full-time equivalent positions or not more than the equivalent of one million dollars in annual gross revenues in the preceding fiscal year.
- c. It does not involve the operation of a farm and does not involve the practice of a profession.

For purposes of this definition, "dominant in its field of operation" means having more than twenty full-time equivalent positions and more than one million dollars in annual gross revenues, and "affiliate or subsidiary of a business dominant in its field of operation" means a business which is at least twenty percent owned by a business dominant in its field of operation, or by partners, officers, directors, majority stockholders, or their equivalent, of a business dominant in that field of operation.

2. If an agency proposes a rule which may have an impact on small business, the agency shall comply with the additional notice provisions of subsection 3 and the analysis requirements of subsection 4.

3. The agency shall include in its notice in the Iowa administrative bulletin that the proposed rule-making may have an impact on small business. The agency shall notify those small businesses or organizations of small businesses who have registered with the agency requesting notification. An agency shall issue a regulatory flexibility analysis of a proposed rule if, within twenty days after the published notice of proposed rule adoption, a written request for the analysis is filed with the appropriate agency by the administrative rules review committee, the governor, a political subdivision, at least twenty-five persons signing the request, who qualify as a small business, or a registered organization representing at least twenty-five persons.

4. The agency shall consider each of the following methods for reducing the impact of the proposed rule on small business:

a. Establishing less stringent compliance or reporting requirements in the rule for small business.

b. Establishing less stringent schedules or deadlines in the rule for compliance or reporting requirements for small business.

c. Consolidating or simplifying the rule's compliance or reporting requirements for small business.

d. Establishing performance standards to replace design or operational standards in the rule for small business.

e. Exempting small business from any or all requirements of the rule.

f. The nature of any reports and the estimated cost of their preparation by small businesses which would be required to comply with the rule.

g. The nature and estimated cost of other measures or investments that would be required by small businesses to comply with the rule.

h. The nature and estimated cost of any professional, legal, consulting or accounting services which small businesses would incur to comply with the rule.

i. The probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenue.

j. A comparison of the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction.

k. A determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

l. A description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons they were rejected in favor of the proposed rule.

A concise summary of the regulatory flexibility analysis must be published in the Iowa administrative bulletin twenty days prior to the adoption of the proposed rule. The summary shall contain the place where and the time when interested persons may make an oral presentation on the analysis; and where persons may obtain a full text of the analysis for the cost of reproduction. If the agency has made a good faith effort to comply with the requirements of subsections 3 and 4, the rule may not be invalidated on the ground that the contents of the regulatory flexibility analysis are insufficient or inaccurate.

5. The agency shall reduce the impact by using a method provided or requested under subsection 4 if it finds that the methods are legal and feasible in meeting the statutory objectives which are the basis of the proposed rule.

Sec. 2. NEW SECTION. A rule of an emergency nature adopted under section 17A.4, subsection 2, or made effective under the provisions of section 17A.5, subsection 2, paragraph b, is not subject to the provisions of this Act until ninety days have elapsed from the day of the emergency rule's publication. If subsections 3 and 4 of section 1 of this Act have not been complied with within this ninety day period, the rule is void.

Sec. 3. NEW SECTION. The administrative rules review committee shall review existing rules, as time permits, to determine if there are adverse or beneficial effects from these rules. The committee shall give a high priority to rules that are referred to it by small business as defined in this Act. The review of these rules shall be forwarded to the appropriate standing committees of the house and senate.

Approved February 21, 1984

CHAPTER 1008
TOWNSHIP EMERGENCY WARNING SYSTEM
S.F. 159

AN ACT authorizing the establishment and maintenance of an emergency warning system within townships having a common boundary with a city having a population of one hundred eighty thousand or more.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 359.42, Code 1983, is amended to read as follows:

359.42 TOWNSHIP FIRE PROTECTION SERVICE, EMERGENCY WARNING SYSTEM, AND AMBULANCE SERVICE. The trustees of each township shall provide fire protection service for the township, exclusive of any part of the township within a benefited fire district and, in counties not providing ambulance services, may provide ambulance service. The trustees may purchase, own, rent or maintain fire protection service or ambulance service apparatus or equipment or both kinds of apparatus or equipment and provide housing for the equipment. The trustees of a township which has a common boundary with a city having a population of one hundred eighty thousand or more may also establish and maintain an emergency warning system within the township. The trustees may contract with any public or private agency under chapter 28E for the purpose of providing ~~fire protection service or ambulance service or both services~~ any service or system required or authorized under this section.

Sec. 2. Section 359.43, Code 1983, is amended to read as follows:

359.43 TAX LEVY.

1. The township trustees may levy an annual tax not exceeding forty and one-half cents per