

Senate File 2120 - Enrolled

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AN ACT

RELATING TO CONTROLLED SUBSTANCES, INCLUDING INFORMATION
COLLECTION AND REPORTING REQUIREMENTS UNDER THE IOWA
PRESCRIPTION MONITORING PROGRAM.

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

Section 1. Section 124.551, subsection 2, paragraph b, Code
2020, is amended to read as follows:

b. The information collected shall be used by prescribing
practitioners, veterinarians, and pharmacists on a need-to-know
basis for purposes of improving patient health care by
facilitating early identification of patients who may be at

risk for addiction, or who may be using, abusing, or diverting drugs for unlawful or otherwise unauthorized purposes at risk to themselves and others, or who may be appropriately using controlled substances lawfully prescribed for them but unknown to the practitioner.

Sec. 2. Section 124.553, subsection 1, paragraph a, subparagraph (1), Code 2020, is amended to read as follows:

(1) A pharmacist, veterinarian, or prescribing practitioner who requests the information and certifies in a form specified by the board that it is for the purpose of providing medical or pharmaceutical care to a patient of the pharmacist, veterinarian, or prescribing practitioner. A pharmacist, veterinarian, or a prescribing practitioner may delegate program information access to another authorized individual or agent only if that individual or agent registers for program information access, pursuant to board rules, as an agent of the pharmacist, veterinarian, or prescribing practitioner. Board rules shall identify the qualifications for a pharmacist's, veterinarian's, or prescribing practitioner's agent and shall limit the number of agents to whom each pharmacist, veterinarian, or prescribing practitioner may delegate program information access.

Sec. 3. Section 124.553, subsections 5 and 6, Code 2020, are amended to read as follows:

5. Nothing in [this section](#) shall require a pharmacist, veterinarian, or prescribing practitioner to obtain information about a patient from the program. A pharmacist, veterinarian, or prescribing practitioner does not have a duty and shall not be held liable in damages to any person in any civil or derivative criminal or administrative action for injury, death, or loss to person or property on the basis that the pharmacist, veterinarian, or prescribing practitioner did or did not seek or obtain or use information from the program. A pharmacist, veterinarian, or prescribing practitioner acting reasonably and in good faith is immune from any civil, criminal, or administrative liability that might otherwise be incurred or imposed for requesting or receiving or using information from the program.

6. The board shall not charge a fee to a pharmacy, pharmacist, veterinarian, or prescribing practitioner for the establishment, maintenance, or administration of the program, including costs for forms required to submit information to or access information from the program, except that the board may charge a fee to an individual who requests the individual's own program information. A fee charged pursuant to [this subsection](#) shall not exceed the actual cost of providing the requested information and shall be considered a repayment receipt as defined in [section 8.2](#).

Sec. 4. Section 124.554, subsection 1, paragraph g, Code 2020, is amended to read as follows:

~~g. Including all schedule II, schedule III, and schedule IV controlled substances, those substances in schedules III and IV that the advisory council and board determine can be addictive or fatal if not taken under the proper care and direction of a prescribing practitioner, schedule V controlled substances including when dispensed by a pharmacist without a prescription except for sales of pseudoephedrine that are reported to the real-time electronic repository, and opioid antagonists, and other prescription substances that the advisory council and board determine can be addictive or fatal if not taken under the proper care and direction of a prescribing practitioner.~~

Sec. 5. Section 124.554, subsection 2, unnumbered paragraph 1, Code 2020, is amended to read as follows:

~~Beginning January February 1, 2007 2021, and annually by January February 1 thereafter, the board and advisory council shall present to the general assembly and the governor a report prepared consistent with [section 124.555, subsection 3](#), paragraph "d", which shall include but not be limited to the following:~~

Sec. 6. Section 124.554, subsection 3, paragraph a, unnumbered paragraph 1, Code 2020, is amended to read as follows:

~~Beginning February 1, 2019, and annually Annually by February 1 thereafter, the board shall electronically, and at as low a cost as possible, issue each prescribing practitioner who prescribed a controlled substance reported to the program as dispensed in the preceding calendar year in this state a~~

prescribing practitioner activity report which shall include but not be limited to the following:

CHARLES SCHNEIDER
President of the Senate

PAT GRASSLEY
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2120, Eighty-eighth General Assembly.

W. CHARLES SMITHSON
Secretary of the Senate

Approved _____, 2020

KIM REYNOLDS
Governor