

3/20/02 Rereferred To Commerce & Reg.

FEB 20 2002  
Place On Calendar

HOUSE FILE 2452  
BY COMMITTEE ON COMMERCE  
AND REGULATION

(SUCCESSOR TO HF 2333)

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

**A BILL FOR**

1 An Act providing for the regulation of pharmacies utilizing an  
2 internet site or electronic mail, and providing a penalty.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2452

1 Section 1. Section 155A.3, Code 2001, is amended by adding  
2 the following new subsections:

3 NEW SUBSECTION. 15A. "Electronic mail" means any message  
4 transmitted through the international network of  
5 interconnected government, educational, and commercial  
6 computer networks, including but not limited to messages  
7 transmitted from or to any address affiliated with an internet  
8 site.

9 NEW SUBSECTION. 16A. "Internet site" means a specific  
10 location on the international network of interconnected  
11 government, educational, and commercial computer networks that  
12 is determined by internet protocol numbers, by a domain name,  
13 or by both, including but not limited to domain names that use  
14 the designations ".com", ".edu", ".gov", ".org", and ".net".

15 Sec. 2. NEW SECTION. 155A.40 INTERNET SALES --  
16 REQUIREMENTS.

17 1. A pharmacy shall not sell, dispense, distribute, or  
18 deliver a prescription drug to an ultimate user in this state  
19 through an internet site or by electronic mail unless all of  
20 the following apply:

21 a. The pharmacy is licensed pursuant to section 155A.13 or  
22 155A.13A.

23 b. The internet site or electronic mail is in compliance  
24 with any applicable federal requirements and displays in a  
25 clear and conspicuous manner the identifying information  
26 specified in section 155A.13, subsection 6.

27 c. The pharmacy is certified pursuant to the verified  
28 internet pharmacy practice site program developed by the  
29 national association of boards of pharmacy. This  
30 certification requirement shall not apply, however, to  
31 pharmacies located in Iowa and licensed pursuant to section  
32 155A.13.

33 d. A pharmacist or practitioner who sells, dispenses,  
34 distributes, or delivers a prescription drug, or writes a  
35 prescription order through the internet site or electronic

1 mail is licensed by the applicable licensing board.

2 2. The internet site or electronic mail subject to this  
3 section shall not contain or issue any waiver, disclaimer, or  
4 limitation of liability to which the pharmacy, pharmacist, or  
5 practitioner would otherwise be subject.

6 3. A pharmacy, pharmacist, or practitioner who violates a  
7 provision of this section shall be subject to the penalty  
8 provisions contained in section 155A.18.

9 EXPLANATION

10 This bill provides for the regulation of pharmacies  
11 utilizing an internet site or electronic mail.

12 The bill defines "internet site" as a specific location on  
13 the international network of interconnected government,  
14 educational, and commercial computer networks that is  
15 determined by internet protocol numbers, by a domain name, or  
16 by both. The bill defines "electronic mail" as any message  
17 transmitted through the international network of  
18 interconnected government, educational, and commercial  
19 computer networks, including but not limited to messages  
20 transmitted from or to any address affiliated with an internet  
21 site.

22 The bill provides that a pharmacy shall not sell, dispense,  
23 distribute, or deliver a prescription drug through an internet  
24 site or by electronic mail unless the pharmacy is licensed  
25 either as an "in-state" or nonresident pharmacy, and if the  
26 internet site or electronic mail is in compliance with any  
27 applicable federal requirements and displays identifying  
28 information in a clear and conspicuous manner. The bill  
29 provides that a pharmacy, other than a pharmacy licensed  
30 pursuant to Code section 155A.13, shall also be certified  
31 pursuant to the verified internet pharmacy practice sites  
32 program. The bill additionally provides that a pharmacist or  
33 practitioner who sells, dispenses, distributes, or delivers a  
34 prescription drug, or writes a prescription order through an  
35 internet site or electronic mail, must be licensed by the

1 applicable licensing board. The bill provides that an  
2 internet site or electronic mail shall not contain or issue  
3 any waiver, disclaimer, or limitation of liability to which  
4 the pharmacy, pharmacist, or practitioner would otherwise be  
5 subject.

6 The bill provides that the penalty provisions of Code  
7 section 155A.18 shall apply to a pharmacy, pharmacist, or  
8 practitioner in violation of Code section 155A.40.

9 Accordingly, a violation could result in various license-  
10 related sanctions pursuant to Code section 272C.3, or in the  
11 imposition of a civil penalty not to exceed \$25,000.

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