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**Daily Bills, Amendments and Study Bills**  
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Senate File 2286

H-8455

1 Amend Senate File 2286, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. By striking everything after the enacting clause  
4 and inserting:  
5 <Section 1. NEW SECTION. 476D.1 Short title.  
6 This chapter shall be known and may be cited as the  
7 "*Stray Current and Voltage Remediation Act*".  
8 Sec. 2. NEW SECTION. 476D.2 Definitions.  
9 As used in this chapter, unless the context  
10 otherwise requires:  
11 1. "*Board*" means the utilities board within the  
12 utilities division of the department of commerce.  
13 2. "*Cow contact points*" means any two electrically  
14 conductive points which a dairy cow may, in its normal  
15 environment, unavoidably and simultaneously contact.  
16 3. "*Dairy producer*" means any person or entity that  
17 owns or operates a dairy farm or that owns cows that do  
18 or are intended to produce milk.  
19 4. "*Preventive action level*" is stray current or  
20 voltage constituting either of the following:  
21 a. A steady-state, root mean square alternating  
22 current of two milliamp or more through a five hundred  
23 ohm resistor connected between cow contact points, as  
24 measured by a true root mean square meter.  
25 b. A steady-state, root mean square alternating  
26 current voltage of one volt or more, across or in  
27 parallel with a five hundred ohm resistor connected  
28 between cow contact points, as measured by a true root  
29 mean square meter.  
30 5. "*Steady-state*" means the value of a current or  
31 voltage after an amount of time where all transients  
32 have decayed to a negligible value.  
33 6. "*Stray current or voltage*" means either of the  
34 following:  
35 a. Any steady-state, sixty hertz, including  
36 harmonics thereof, root mean square alternating current  
37 of less than twenty milliamp through a five hundred  
38 ohm resistor connected between cow contact points, as  
39 measured by a true root mean square meter.  
40 b. Any steady-state, sixty hertz, including  
41 harmonics thereof, root mean square alternating current  
42 voltage of less than ten volts, across or in parallel  
43 with a five hundred ohm resistor connected between cow  
44 contact points, as measured by a true root mean square  
45 meter.  
46 7. "*Utility*" means a public utility as defined in  
47 Code section 476.1, or for purposes of this chapter,  
48 any other person owning or operating more than one  
49 thousand five hundred miles of transmission lines and  
50 associated facilities in this state.

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1     Sec. 3. NEW SECTION. 476D.3 Rules — scope of  
2 authority.

3     The board shall by rule establish standard  
4 procedures and protocols which may be used for the  
5 measurement of stray current or voltage. The board  
6 shall review the rules from time to time, or upon  
7 petition to the board, to ensure that the standard  
8 procedures and protocols continue to be scientifically  
9 and technologically accurate and a reliable means of  
10 detecting stray current or voltage. Other measurements  
11 of stray current or voltage made using other procedures  
12 and protocols may be considered by the board in  
13 appropriate cases.

14     Sec. 4. NEW SECTION. 476D.4 Stray current or  
15 voltage program — claims — notice — utility response.

16     1. A dairy producer in this state that claims that  
17 its dairy cows are being affected by stray current or  
18 voltage may participate in the stray voltage program.  
19 The dairy producer shall provide written notice to  
20 the utility and may provide notice to the board to  
21 participate in the program. The notice shall include  
22 a nonbinding statement as to why the dairy producer  
23 claims its dairy cows are being affected by electrical  
24 energy attributable to the utility.

25     2. a. Within fourteen business days after receipt  
26 of a notice alleging stray current or voltage by a  
27 utility pursuant to subsection 1, the utility shall  
28 take or arrange for the taking of measurements to  
29 identify the existence and magnitude of the stray  
30 current or voltage, if any. A dairy producer providing  
31 notice of the claim shall permit entry onto the dairy  
32 farm at dates and times mutually agreed upon by the  
33 dairy producer and the utility. The utility shall  
34 perform no other service or inspection on the dairy  
35 farm beyond taking measurements of stray current  
36 or voltage, except the utility may advise the dairy  
37 producer as to recommended on-farm remedial action and  
38 may perform such remedial action with the permission of  
39 the dairy producer. The utility or its representative  
40 shall abide by the dairy farm's biosecurity protocols  
41 or, if none, generally accepted biosecurity protocols  
42 in the industry, prior to entry onto the dairy farm.  
43 The utility shall be provided advance notice of any  
44 biosecurity protocols adopted by the dairy producer.

45     b. A dairy producer may include with the notice  
46 provided pursuant to subsection 1, or in a subsequent  
47 notice, a written request for the board to take or  
48 arrange for the taking of separate and independent  
49 measurements to identify the existence and magnitude  
50 of stray current or voltage, if any. Such a request

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1 may also be made by the utility. Measurements by the  
2 board shall be taken by a representative of the board  
3 directly, or by a neutral third-party expert selected  
4 by the board for such purposes. A dairy producer  
5 providing notice to the board shall permit entry onto  
6 the dairy farm at dates and times mutually agreed  
7 upon by the dairy producer and the board. The board  
8 or a selected third-party expert shall perform no  
9 other service or inspection on the dairy farm beyond  
10 taking measurements of stray current or voltage,  
11 except the board or third-party expert may advise the  
12 dairy producer as to recommended on-farm remedial  
13 action. The board or the third-party expert shall  
14 abide by the dairy farm's biosecurity protocols or,  
15 if none, by generally accepted biosecurity protocols  
16 in the industry, prior to entry onto the dairy farm.  
17 The board shall be provided advance notice of any  
18 biosecurity protocols adopted by the dairy producer.  
19 The board shall subsequently prepare or cause to be  
20 prepared a determination of source document which shall  
21 be made available to both the dairy producer and the  
22 utility.

23 3. If the utility's or the board's measurements  
24 identify a level of stray current or voltage at cow  
25 contact points in excess of the preventive action  
26 level, the utility or the board, as applicable,  
27 shall promptly identify if the utility's distribution  
28 system's contribution is greater than one milliamp or  
29 one-half volt, measured according to procedures and  
30 protocols specified by the board by rule. For purposes  
31 of this determination, stray current or voltage on  
32 the utility's distribution system shall be attributed  
33 to the utility even if caused by other customers  
34 connected to the utility's distribution system. If  
35 that portion of the stray current or voltage at  
36 cow contact points attributable to the utility's  
37 distribution system exceeds one milliamp or one-half  
38 volt, the utility shall, within fifteen business days,  
39 commence and diligently pursue to completion, remedial  
40 procedures which result in, and are reasonably likely  
41 to sustain, a reduction of the stray current or voltage  
42 at cow contact points attributable to the utility's  
43 distribution system to one milliamp or less or one-half  
44 volt or less, measured in accordance with the rules  
45 established by the board.

46 Sec. 5. NEW SECTION. 476D.5 Civil actions.

47 A civil action shall not be commenced by a dairy  
48 producer against a utility seeking damages or other  
49 relief allegedly due to injury caused by stray current  
50 or voltage unless the dairy producer has provided

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1 notice of its participation in the stray current or  
2 voltage program in accordance with section 476D.4  
3 at least ninety days prior to filing such an action.  
4 In any civil action against a utility for damages or  
5 other relief, the written documentation prepared by  
6 or on behalf of the board pursuant to section 476D.4  
7 may be admissible in evidence. The definitions,  
8 standards, and other board determinations created  
9 pursuant to this chapter shall only be used for the  
10 purpose of deciding whether a utility would be required  
11 to complete remedial action under section 476D.4. Such  
12 definitions, standards, and other board determinations  
13 shall not be construed to create a presumption or  
14 conclusive proof of the existence or lack of existence  
15 of proximate cause or damage as a result of stray  
16 current or voltage in any civil action for damages  
17 or injunctive relief. The board's measurements and  
18 determinations in accordance with this chapter shall  
19 be considered to be an advisory opinion of the board  
20 and shall not be binding on a court of law. Any and  
21 all civil damages shall be determined by a court of  
22 law, and shall be based on evidence provided by both  
23 parties.>

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House File 2469 - Introduced

HOUSE FILE 2469  
BY T. OLSON

A BILL FOR

1 An Act concerning the administration of epinephrine in public  
2 and nonpublic schools, and including effective date and  
3 applicability provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5885YH (2) 84  
je/nh



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1 Section 1. Section 280.16, Code 2011, is amended to read as  
 2 follows:

3 **280.16 Self-administration of asthma or other airway**  
 4 **constricting disease medication, or epinephrine auto-injectors.**

5 1. *Definitions.* For purposes of this section:

6 *a. "Epinephrine auto-injector" means a medical device for*  
 7 *immediate self-administration of a measured dose of epinephrine*  
 8 *by a person at risk of anaphylaxis.*

9 ~~*a-*~~ *b. "Medication" means a drug that meets the definition*  
 10 *provided in section 126.2, subsection 8, has an individual*  
 11 *prescription label, is prescribed by a physician for a*  
 12 *student, and pertains to the student's asthma or other airway*  
 13 *constricting disease.*

14 ~~*b-*~~ *c. "Physician" means a person licensed under chapter*  
 15 *148, or a physician's assistant, advanced registered nurse*  
 16 *practitioner, or other person licensed or registered to*  
 17 *distribute or dispense a prescription drug or device in the*  
 18 *course of professional practice in this state in accordance*  
 19 *with section 147.107, or a person licensed by another state*  
 20 *in a health field in which, under Iowa law, licensees in this*  
 21 *state may legally prescribe drugs.*

22 ~~*e-*~~ *d. "Self-administration" means a student's discretionary*  
 23 *use of medication prescribed by a physician for the student.*

24 2. The board of directors of a school district and the  
 25 authorities in charge of an accredited nonpublic school shall  
 26 permit the self-administration of medication by a student  
 27 with asthma or other airway constricting disease or the use  
 28 of an epinephrine auto-injector by a student if the following  
 29 conditions are met:

30 *a. The student's parent or guardian provides to the school*  
 31 *written authorization for the self-administration of medication*  
 32 *or for the use of an epinephrine auto-injector.*

33 *b. The student's parent or guardian provides to the school*  
 34 *a written statement from the student's physician containing the*  
 35 *following information:*



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1     (1) The name and purpose of the medication or epinephrine  
2 auto-injector.

3     (2) The prescribed dosage.

4     (3) The times at which or the special circumstances under  
5 which the medication or epinephrine auto-injector is to be  
6 administered.

7     c. The parent or guardian and the school meet the  
8 requirements of subsection ~~3~~ 5.

9     3. The board of directors of a school district and the  
10 authorities in charge of a nonpublic school may authorize  
11 the provision of an epinephrine auto-injector that meets  
12 a student's prescription on file to the student or to any  
13 personnel legally authorized to administer an epinephrine  
14 auto-injector to the student.

15     4. The board of directors of a school district and the  
16 authorities in charge of a nonpublic school may authorize a  
17 school nurse to do any of the following:

18     a. Provide an epinephrine auto-injector that meets a  
19 student's prescription on file to the student or any personnel  
20 legally authorized to administer an epinephrine auto-injector  
21 to the student.

22     b. Administer an epinephrine auto-injector that meets the  
23 student's prescription on file to any student for whom the use  
24 of epinephrine auto-injector is legally authorized.

25     c. Administer an epinephrine auto-injector to any  
26 student whom the school nurse reasonably and in good faith  
27 professionally believes is having an anaphylactic reaction.

28     ~~3-~~ 5. a. The school district or accredited nonpublic  
29 school shall notify the parent or guardian of the student,  
30 in writing, that the school district or accredited nonpublic  
31 school and its employees are to incur no liability, except  
32 for gross negligence, as a result of any injury arising from  
33 self-administration of medication ~~by the student~~ or use of an  
34 epinephrine auto-injector pursuant to the provisions of this  
35 section. The parent or guardian of the student shall sign a

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1 statement acknowledging that the school district or nonpublic  
2 school is to incur no liability, except for gross negligence,  
3 as a result of self-administration of medication ~~by the student~~  
4 or use of an epinephrine auto-injector. A school district or  
5 accredited nonpublic school and its employees acting reasonably  
6 and in good faith shall incur no liability for any improper  
7 use of medication or an epinephrine auto-injector as defined  
8 in this section or for supervising, monitoring, or interfering  
9 with a student's self-administration of medication or use of an  
10 epinephrine auto-injector as defined in this section.

11 b. If a school nurse administers an epinephrine  
12 auto-injector to a student whom the school nurse reasonably and  
13 in good faith professionally believes is having an anaphylactic  
14 reaction, notwithstanding the lack of notice to the parent  
15 or guardian of the student or the absence of the parent's or  
16 guardian's signed statement acknowledging no liability, the  
17 school district or nonpublic school and its employees shall  
18 not be liable, except for negligence, as a result of any  
19 injury arising from the use of an epinephrine auto-injector,  
20 regardless of whether authorization was given by the student's  
21 parent or guardian for such administration.

22 ~~4-~~ 6. The permission for self-administration of medication  
23 or use of an epinephrine auto-injector is effective for the  
24 school year for which it is granted and shall be renewed each  
25 subsequent school year upon fulfillment of the requirements  
26 of this section. However, the parent or guardian shall  
27 immediately notify the school of any changes in the conditions  
28 listed under subsection 2.

29 ~~5-~~ 7. Provided that the requirements of this section are  
30 fulfilled, a student with asthma or other airway constricting  
31 disease may possess and use the student's medication and a  
32 student with a prescription on file may use an epinephrine  
33 auto-injector while in school, at school-sponsored activities,  
34 under the supervision of school personnel, and before or after  
35 normal school activities, such as while in before-school or



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1 after-school care on school-operated property. If the student  
 2 misuses this privilege, the privilege may be withdrawn.

3 8. Notwithstanding any other provision of law to the  
 4 contrary, a physician may prescribe pursuant to a standing  
 5 protocol epinephrine auto-injectors in the name of the  
 6 school district or nonpublic school to be maintained for use  
 7 when necessary. A school district or nonpublic school with  
 8 such a prescription may maintain at a school in a locked,  
 9 secure location a supply of epinephrine auto-injectors. The  
 10 school district or nonpublic school supply of epinephrine  
 11 auto-injectors may be provided to and utilized by any student  
 12 authorized to self-administer an epinephrine auto-injector by  
 13 any personnel legally authorized to administer an epinephrine  
 14 auto-injector to the student, if the epinephrine auto-injector  
 15 meets the student's prescription on file. When a student does  
 16 not have an epinephrine auto-injector or a prescription for an  
 17 epinephrine auto-injector on file, the school nurse may utilize  
 18 the school district or nonpublic school supply of epinephrine  
 19 auto-injectors to respond to anaphylactic reaction under a  
 20 standing protocol from a physician and the requirements of this  
 21 section.

22 ~~6-~~ 9. Information provided to the school under subsection 2  
 23 shall be kept on file in the office of the school nurse or, in  
 24 the absence of a school nurse, the school's administrator.

25 ~~7-~~ 10. The Iowa braille and sight saving school, the state  
 26 school for the deaf, and the institutions under the control of  
 27 the department of human services as provided in section 218.1  
 28 are exempt from the provisions of this section.

29 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
 30 immediate importance, takes effect upon enactment.

31 Sec. 3. APPLICABILITY. This Act shall apply to school years  
 32 beginning on or after July 1, 2012.

EXPLANATION

34 This bill adds epinephrine auto-injectors to Code section  
 35 280.16, which permits self-administration of medication



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1 in school by students with asthma. The bill defines  
2 "epinephrine auto-injector" as a medical device for immediate  
3 self-administration of a measured dose of epinephrine by a  
4 person at risk of anaphylaxis.

5 The bill requires school districts and nonpublic schools  
6 to allow the use of an epinephrine auto-injector by a student  
7 with a prescription on file if the school receives written  
8 authorization and certain medical information from the  
9 student's parent or guardian.

10 The bill provides that a school district or nonpublic school  
11 may authorize the provision of an epinephrine auto-injector  
12 that meets a student's prescription on file to the student  
13 or to any personnel legally authorized to administer an  
14 epinephrine auto-injector to the student. The bill provides  
15 that a school district or nonpublic school may authorize a  
16 school nurse to provide an epinephrine auto-injector to a  
17 student or any personnel legally authorized to administer  
18 an epinephrine auto-injector to the student; administer an  
19 epinephrine auto-injector to any student for whom the use of  
20 epinephrine auto-injector is legally authorized; or administer  
21 an epinephrine auto-injector to any student whom the school  
22 nurse reasonably and in good faith professionally believes is  
23 having an anaphylactic reaction.

24 The bill adds epinephrine auto-injectors to the provisions  
25 of Code section 280.16 granting immunity from legal liability  
26 to school employees, except for gross negligence, for injuries  
27 resulting from the self-administration of medication. Code  
28 section 280.16 requires a student's parent or guardian to  
29 receive notice of such immunity. The bill also grants immunity  
30 from legal liability, except for negligence, to a school nurse  
31 who administers an epinephrine auto-injector to a student whom  
32 the school nurse reasonably and in good faith professionally  
33 believes is having an anaphylactic reaction, even if prior  
34 notice to the student's parent or guardian has not been given.

35 The bill permits a student with a prescription on file to

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1 possess and use an epinephrine auto-injector while in school,  
2 at school-sponsored activities, under the supervision of school  
3 personnel, and before or after normal school activities,  
4 such as while in before-school or after-school care on  
5 school-operated property.

6 The bill provides that a school district or nonpublic  
7 school may maintain at a school in a locked, secure location  
8 a supply of epinephrine auto-injectors. The bill provides  
9 that a physician may prescribe epinephrine auto-injectors in  
10 the name of the school district or nonpublic school to be  
11 maintained for use when necessary. The bill provides that the  
12 school's supply of epinephrine auto-injectors may be provided  
13 to and utilized by any student authorized to self-administer an  
14 epinephrine auto-injector by any personnel legally authorized  
15 to administer an epinephrine auto-injector to the student, if  
16 the epinephrine auto-injector meets the student's prescription  
17 on file. The bill provides that when a student does not  
18 have an epinephrine auto-injector or a prescription for an  
19 epinephrine auto-injector on file, the school nurse may utilize  
20 the school district or nonpublic school supply of epinephrine  
21 auto-injectors to respond to anaphylactic reaction under a  
22 standing protocol from a physician and the requirements of the  
23 bill.

24 The bill takes effect upon enactment and applies to school  
25 years beginning on or after July 1, 2012.



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House File 2470 - Introduced

HOUSE FILE 2470  
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HSB 667)

A BILL FOR

1 An Act providing for sales and use taxes collected on farm  
2 machinery and equipment.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5629HV (2) 84  
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H.F. 2470

1 Section 1. Section 423.3, subsection 8, Code Supplement  
2 2011, is amended by adding the following new paragraph:  
3 NEW PARAGRAPH. c. For purposes of this subsection,  
4 machinery and equipment qualifies for the exemption as  
5 farm machinery and equipment under paragraph "a", if it  
6 is manufactured for use in agricultural production and is  
7 manufactured to be pulled by, or attached to, self-propelled  
8 farm machinery and equipment.

9 EXPLANATION  
10 This bill provides for an exemption from sales and use taxes  
11 imposed on machinery and equipment sold for farm use (Code  
12 sections 423.3 and 423.6). The exemption applies to machinery  
13 and equipment directly and primarily used in agricultural  
14 production. The bill provides that machinery and equipment  
15 qualifies for the exemption if it is manufactured for use in  
16 agricultural production and is manufactured to be pulled by, or  
17 attached to, self-propelled farm machinery and equipment.



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House Resolution 140 - Introduced

HOUSE RESOLUTION NO. 140

BY MASCHER

1 A Resolution to recognize the dance marathon students  
2 at the University of Iowa for their fundraising  
3 efforts for the University of Iowa Children's  
4 Hospital.

5 WHEREAS, since 1919 the University of Iowa has  
6 operated a Children's Hospital, a facility devoted only  
7 to the care of children, offering a full spectrum of  
8 children's care, from health promotion to trauma and  
9 critical care; and

10 WHEREAS, this nationally renowned hospital is  
11 supported by a variety of institutions, groups,  
12 and individuals, but none more dedicated than the  
13 participants in the annual dance marathon; and

14 WHEREAS, on February 4, 2012, hundreds of University  
15 of Iowa students danced for 24 hours straight to  
16 benefit the University of Iowa Children's Hospital and  
17 University of Iowa Hospitals and Clinics, setting a new  
18 fundraising record of \$1,369,147; and

19 WHEREAS, an annual event since 1994, the dance  
20 marathon has grown over almost two decades into  
21 the largest student-run philanthropic event at the  
22 University of Iowa, raising over \$11 million; NOW  
23 THEREFORE,

24 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That  
25 the House of Representatives honors the young men and  
26 women of the University of Iowa who danced the night  
27 away, hour after hour, all in service to the children  
28 of Iowa.

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Senate File 2336

S-5201

1 Amend Senate File 2336 as follows:

2 1. Page 1, line 23, by striking <35.00> and  
 3 inserting <35.00 36.00>

4 2. By striking page 1, line 33, through page 2,  
 5 line 1, and inserting:

6 ~~<2. The amount appropriated in this section  
 7 includes additional funding of \$225,000 for delivery of  
 8 long-term care services to seniors with low or moderate  
 9 incomes.>~~

10 3. Page 2, line 32, after <advocate> by inserting  
 11 <to administer the certified volunteer long-term care  
 12 resident's advocate program pursuant to section 231.45  
 13 as enacted in this 2012 Act>

14 4. Page 3, line 18, by striking <26,003,190> and  
 15 inserting <25,653,190>

16 5. Page 3, line 21, by striking <\$5,753,830> and  
 17 inserting <\$5,403,830>

18 6. Page 3, line 31, after <(2)> by inserting <(a)>

19 7. Page 3, after line 35 by inserting:

20 <(b) For the fiscal year beginning July 1, 2012,  
 21 and ending June 30, 2013, the terms of a chapter  
 22 28D agreement, entered into between the division of  
 23 tobacco use prevention and control of the department  
 24 of public health and the alcoholic beverages division  
 25 of the department of commerce, governing compliance  
 26 checks conducted to ensure licensed retail tobacco  
 27 outlet conformity with tobacco laws, regulations, and  
 28 ordinances relating to persons under eighteen years of  
 29 age, shall restrict the number of such checks to one  
 30 check per retail outlet, and one additional check for  
 31 any retail outlet found to be in violation during the  
 32 first check.>

33 8. Page 11, line 16, by striking <3,419,028> and  
 34 inserting <3,919,028>

35 9. Page 12, by striking lines 20 through 22 and  
 36 inserting <inherited disorders. A portion of the funds  
 37 allocated in this lettered paragraph may be used for  
 38 one full-time equivalent position for administration  
 39 of the center.>

40 10. Page 12, after line 25 by inserting:

41 <j. For provision of early prevention screening  
 42 by pap smear and advanced screening by colposcope for  
 43 women with incomes below 250 percent of the federal  
 44 poverty level, as defined by the most recently revised  
 45 poverty income guidelines issued by the United States  
 46 department of health and human services, who are  
 47 not covered by a third-party payer health policy or  
 48 contract that pays for such procedures and related  
 49 laboratory services:

50 ..... \$ 500,000



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1     The department shall distribute the amount  
 2 appropriated in this lettered paragraph to providers  
 3 on behalf of eligible persons within the target  
 4 population.>  
 5     11. Page 12, line 31, by striking <5,822,987> and  
 6 inserting <5,485,547>  
 7     12. Page 14, by striking lines 10 through 14 and  
 8 inserting:  
 9     <(a) To establish a grant program for training  
 10 sexual assault response team (SART) members, including  
 11 representatives of law enforcement, victim advocates,  
 12 prosecutors, and certified medical personnel:>  
 13     13. By striking page 15, line 26, through page 16,  
 14 line 6, and inserting:  
 15     <h. (1) ~~Of the funds appropriated in this~~  
 16 ~~subsection, \$74,500 shall be used for continued~~  
 17 ~~implementation of the recommendations of the direct~~  
 18 ~~care worker task force established pursuant to 2005~~  
 19 ~~Iowa Acts, chapter 88, based upon the report submitted~~  
 20 ~~to the governor and the general assembly in December~~  
 21 ~~2006. The department may use a portion of the funds~~  
 22 ~~allocated in this lettered paragraph for an additional~~  
 23 ~~position to assist in the continued implementation.>~~  
 24     14. Page 18, line 10, by striking <2,895,847> and  
 25 inserting <2,395,847>  
 26     15. By striking page 18, line 30, through page 19,  
 27 line 6.  
 28     16. Page 19, line 12, by striking <2,879,127> and  
 29 inserting <3,216,567>  
 30     17. Page 19, after line 29 by inserting:  
 31     <d. Of the funds appropriated in this subsection,  
 32 \$337,440 shall be used for the purposes of the board  
 33 of direct care professionals as established pursuant  
 34 to the division of this 2012 Act enacting new Code  
 35 chapter 152F. The direct care worker advisory council  
 36 established pursuant to 2008 Iowa Acts, chapter 1188,  
 37 section 69, may continue to provide expertise and  
 38 leadership relating to the recommendations in the  
 39 advisory council's final report submitted to the  
 40 governor and the general assembly in March 2012.>  
 41     18. Page 32, by striking lines 9 through 18.  
 42     19. Page 32, line 28, by striking <845,251,256> and  
 43 inserting <845,601,256>  
 44     20. Page 34, line 21, after <eligibility> by  
 45 inserting <and premium amounts>  
 46     21. Page 34, line 35, by striking <are appropriated  
 47 to and>  
 48     22. Page 37, line 22, by striking <\$128,950> and  
 49 inserting <\$141,450>  
 50     23. Page 41, line 23, after

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1 <section.> by inserting<The department  
2 may transfer funds appropriated in this  
3 section to the appropriation made in this division of  
4 this Act for adoption subsidy to support the adjustment  
5 in reimbursement rates for specified child welfare  
6 providers as provided in this 2012 Act.>  
7 24. Page 41, line 25, by striking <\$31,372,177> and  
8 inserting <\$31,438,622>  
9 25. Page 42, line 29, by striking <\$7,370,116> and  
10 inserting <\$7,385,639>  
11 26. Page 48, line 16, after <subsidy.> by inserting  
12 <The department may transfer funds appropriated in this  
13 section to the appropriation made in this division of  
14 this Act for child and family services to support the  
15 adjustment in reimbursement rates for specified child  
16 welfare providers as provided in this 2012 Act.>  
17 27. Page 53, line 20, by striking <95.90> and  
18 inserting <115.50>  
19 28. Page 54, line 28, by striking <285.00> and  
20 inserting <285.00 295.00>  
21 29. Page 56, line 1, by striking <\$237,226,901> and  
22 inserting <\$239,726,901>  
23 30. Page 56, after line 1 by inserting:  
24 <Sec. \_\_\_\_\_. 2011 Iowa Acts, chapter 129, section  
25 141, subsection 1, paragraph a, is amended by adding  
26 the following new subparagraph:  
27 NEW SUBPARAGRAPH. (1A) For the fiscal year  
28 beginning July 1, 2012, and ending June 30, 2013,  
29 and within the total state funding amount identified  
30 in subparagraph (1), the department shall distribute  
31 not more than \$2,500,000 in reimbursement to nursing  
32 facilities by adjusting the statewide median of the  
33 direct care component of nursing facility costs based  
34 upon the most recent cost report submitted by the  
35 nursing facility for the period ending on or before  
36 December 31, 2011, and inflating these costs forward to  
37 July 1, 2012, by using the midpoint of each cost report  
38 and applying the skilled nursing facility market basket  
39 index. The department shall adjust the reimbursement  
40 calculated under this subparagraph as necessary to  
41 maintain expenditures of the nursing facility budget  
42 within the state funding amount specified in this  
43 subparagraph and within the total state funding amount  
44 identified in subparagraph (1) for the fiscal year.>  
45 31. Page 56, by striking lines 9 and 10 and  
46 inserting <single rate of range between \$4.34 per  
47 prescription or the pharmacy's usual and customary fee,  
48 whichever is lower, and \$11.10 per prescription. The  
49 actual dispensing fee set within the range shall be  
50 determined by a cost of dispensing survey performed



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50 by the department and required to be completed by all  
 1 medical assistance program participating pharmacies.  
 2 ~~However,~~  
 3 32. Page 56, by striking lines 15 through 24 and  
 4 inserting:  
 5 <(2) The department shall implement an average  
 6 acquisition cost reimbursement methodology for all  
 7 drugs covered under the medical assistance program.  
 8 The methodology shall utilize a survey of pharmacy  
 9 invoices from a rotation of pharmacies in determining  
 10 the average acquisition cost component of pharmacy  
 11 reimbursement. Pharmacies and providers that are  
 12 enrolled in the medical assistance program shall make  
 13 available drug acquisition cost invoice information,  
 14 product availability information if known, and other  
 15 information deemed necessary by the department to  
 16 assist the department in monitoring and revising the  
 17 reimbursement rates and for efficient operation of  
 18 the pharmacy benefit. The department shall provide a  
 19 process for pharmacies to address average acquisition  
 20 cost prices that are not reflective of the actual cost  
 21 of a drug.>  
 22 33. By striking page 57, line 25, through page 58,  
 23 line 18, and inserting:  
 24 <PROVIDER REIMBURSEMENT — SPECIFIED CHILD WELFARE  
 25 PROVIDERS  
 26 Sec. \_\_\_\_\_. 2011 Iowa Acts, chapter 129, section 141,  
 27 is amended by adding the following new subsection:  
 28 NEW SUBSECTION. 6A. For the fiscal year beginning  
 29 July 1, 2012, the department shall adjust the  
 30 foster family basic daily maintenance rate, the  
 31 maximum adoption subsidy rates for children, the  
 32 family-centered service providers rate, the family  
 33 foster care service providers rate, the group foster  
 34 care service providers rate, and the resource family  
 35 recruitment and retention contractor rate, as such  
 36 rates are identified in this section and were in effect  
 37 on June 30, 2012, in order to distribute an additional  
 38 \$3,070,512 in state reimbursements equitably to such  
 39 providers for the fiscal year.>  
 40 34. Page 63, line 9, by striking <290,000> and  
 41 inserting <540,000>  
 42 35. Page 64, line 19, by striking <1,956,245> and  
 43 inserting <1,956,245 4,106,245>  
 44 36. Page 66, by striking lines 10 through 23.  
 45 37. Page 67, after line 8 by inserting:  
 46 <c. For transfer to the department of public health  
 47 to be used for tobacco use prevention, cessation, and  
 48 treatment through support of Quitline Iowa:  
 49 ..... \$ 350,000>

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50 38. Page 69, line 11, by striking <2,654,238> and  
 1 inserting <2,405,936>  
 2 39. Page 69, line 28, by striking <REDESIGN> and  
 3 inserting <MEDICAL ASSISTANCE PROGRAM ADDITIONAL  
 4 FUNDING>  
 5 40. Page 70, by striking lines 9 through 11 and  
 6 inserting:  
 7 <For the medical assistance program appropriation  
 8 for the fiscal year for the expense of replacing  
 9 the enhanced match rate provided through the federal  
 10 American Recovery and Reinvestment Act of 2009 and  
 11 for the reduction in the federal medical assistance  
 12 percentage associated with the mental health and  
 13 disabilities services for which the match has been paid  
 14 by counties:>  
 15 41. Page 74, after line 30 by inserting:  
 16 <Sec. \_\_\_\_\_. NEW SECTION. 8A.441 Medication therapy  
 17 management.  
 18 1. As used in this section, unless the context  
 19 otherwise requires:  
 20 a. "Eligible employee" means an employee of the  
 21 state, with the exception of an employee of the state  
 22 board of regents or institutions under the state board  
 23 of regents, for whom group health plans are established  
 24 pursuant to chapter 509A providing for third-party  
 25 payment or prepayment for health or medical expenses.  
 26 b. "Medication therapy management" means a  
 27 systematic process performed by a licensed pharmacist,  
 28 designed to improve quality outcomes for patients  
 29 and lower health care costs, including emergency  
 30 room, hospital, provider, and other costs, by  
 31 optimizing appropriate medication use linked directly  
 32 to achievement of the clinical goals of therapy.  
 33 Medication therapy management shall include all of the  
 34 following services:  
 35 (1) A medication therapy review and in-person  
 36 consultation relating to all medications, vitamins, and  
 37 herbal supplements currently being taken by an eligible  
 38 individual.  
 39 (2) A medication action plan, subject to the  
 40 limitations specified in this section, communicated  
 41 to the individual and the individual's primary care  
 42 physician or other appropriate prescriber to address  
 43 issues including appropriateness, effectiveness,  
 44 safety, drug interactions, and adherence. The  
 45 medication action plan may include drug therapy  
 46 recommendations to prescribers that are needed to meet  
 47 clinical goals and achieve optimal patient outcomes.  
 48 (3) Documentation and follow-up to ensure  
 49 consistent levels of pharmacy services and positive



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50 outcomes.

1     2. *a.* The department shall utilize a request for  
2 proposals process and shall enter into a contract for  
3 the provision of medication therapy management services  
4 for eligible employees who meet any of the following  
5 criteria:

6       (1) An individual who takes four or more  
7 prescription drugs to treat or prevent two or more  
8 chronic medical conditions.

9       (2) An individual with a prescription drug therapy  
10 problem who is identified by the prescribing physician  
11 or other appropriate prescriber, and referred to a  
12 pharmacist for medication therapy management services.

13       (3) An individual who meets other criteria  
14 established by the third-party payment provider  
15 contract, policy, or plan.

16     *b.* The contract shall require the entity to provide  
17 annual reports to the general assembly detailing  
18 the costs, savings, estimated cost avoidance and  
19 return on investment, and improved patient outcomes  
20 related to the medication therapy management services  
21 provided. The entity shall guarantee demonstrated  
22 annual savings for overall health care costs, including  
23 emergency room, hospital, provider, and other costs,  
24 with savings including associated cost avoidance, at  
25 least equal to the program's costs with any shortfall  
26 amount refunded to the state. The contract shall  
27 include terms, conditions, and applicable measurement  
28 standards associated with the demonstration of savings.  
29 The department shall verify the demonstrated savings  
30 reported by the entity were achieved in accordance with  
31 the agreed upon measurement standards. The entity  
32 shall be prohibited from using the entity's employees  
33 to provide the medication therapy management services  
34 and shall instead be required to contract with licensed  
35 pharmacies, pharmacists, or physicians.

36     *c.* The department may establish an advisory  
37 committee comprised of an equal number of physicians  
38 and pharmacists to provide advice and oversight in  
39 evaluating the results of the program. The department  
40 shall appoint the members of the advisory committee  
41 based upon designees of the Iowa pharmacy association,  
42 the Iowa medical society, and the Iowa osteopathic  
43 medical association.

44     *d.* The fees for pharmacist-delivered medication  
45 therapy management services shall be separate from  
46 the reimbursement for prescription drug product or  
47 dispensing services; shall be determined by each  
48 third-party payment provider contract, policy, or plan;  
49 and must be reasonable based on the resources and time



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50 required to provide the service.

1 e. A fee shall be established for physician  
 2 reimbursement for services delivered for medication  
 3 therapy management as determined by each third-party  
 4 payment provider contract, policy, or plan, and must be  
 5 reasonable based on the resources and time required to  
 6 provide the service.

7 f. If any part of the medication therapy management  
 8 plan developed by a pharmacist incorporates services  
 9 which are outside the pharmacist's independent scope  
 10 of practice including the initiation of therapy,  
 11 modification of dosages, therapeutic interchange, or  
 12 changes in drug therapy, the express authorization  
 13 of the individual's physician or other appropriate  
 14 prescriber is required.>

15 42. Page 75, line 5, by striking <annually>

16 43. Page 75, by striking lines 24 and 25 and  
 17 inserting:

18 <3. The authority shall allocate moneys in the  
 19 fund to the extent available for the development of  
 20 supportive housing or the>

21 44. Page 78, after line 24 by inserting:

22 <Sec. \_\_\_\_\_. **NEW SECTION. 249A.17 Reimbursement for**  
 23 **providers of outpatient clinical services for children.**

24 1. Providers that meet the criteria specified in  
 25 subsection 2, shall receive cost-based reimbursement  
 26 for one hundred percent of the reasonable costs, as  
 27 determined by Medicare reimbursement principles, for  
 28 provision of outpatient clinical services for children  
 29 who are recipients of medical assistance.

30 2. In order to be eligible for reimbursement under  
 31 this section, a provider shall be an accredited,  
 32 nonprofit agency that meets all of the following  
 33 criteria:

34 a. Provides clinical outpatient services to  
 35 children of whom at least sixty percent are recipients  
 36 of medical assistance.

37 b. Provides at least three children's mental health  
 38 services including inpatient services, outpatient  
 39 services, psychiatric and psychological services, and  
 40 behavioral health intervention services.

41 c. Directly employs a psychiatrist, psychologist,  
 42 and licensed therapist.>

43 45. Page 80, after line 1 by inserting:

44 <Sec. \_\_\_\_\_. **COST-BASED REIMBURSEMENT — PROVIDERS OF**  
 45 **CHILDREN'S OUTPATIENT CLINICAL SERVICES.**

46 1. The department of human services shall seek  
 47 federal approval to amend the medical assistance  
 48 program state plan and shall amend the contract  
 49 with the department's managed care contractor for



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50 behavioral health services under the medical assistance  
1 program to provide medical assistance reimbursement to  
2 providers that meet the criteria specified in section  
3 249A.17, as enacted in this division of this Act, at  
4 100 percent of the reasonable costs for recipients of  
5 medical assistance for outpatient clinical services for  
6 children.

7 2. Implementation of section 249A.17, as enacted  
8 in this division of this Act, is contingent upon  
9 receipt of federal approval and limited to the funding  
10 made available through amending the contract with the  
11 managed care contractor.

12 3. The department shall adopt rules pursuant to  
13 chapter 17A to provide reimbursement for outpatient  
14 clinical services for children as described in this  
15 section. The rules shall provide that reimbursement  
16 shall initially be paid on an interim basis and  
17 subsequently adjusted retroactively based on submission  
18 of financial and statistical reports as required by the  
19 department.>

20 46. Page 80, before line 2 by inserting:  
21 <Sec. \_\_\_\_\_. EFFECTIVE UPON ENACTMENT. The section  
22 of this division of this Act enacting section 8A.441,  
23 being deemed of immediate importance, takes effect upon  
24 enactment.>

25 47. Page 84, line 20, after <chapter> by inserting  
26 <1188, section>

27 48. Page 85, after line 28 by inserting:  
28 <12. Establish a grace period during which a newly  
29 employed individual may provide direct care services  
30 before being required to complete the appropriate level  
31 of certification under this chapter.>

32 49. By renumbering as necessary.

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JACK HATCH



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Senate File 2336

S-5202

1 Amend Senate File 2336 as follows:  
2 1. Page 78, after line 24 by inserting:  
3 <Sec. \_\_\_\_\_. Section 237.3, Code 2011, is amended by  
4 adding the following new subsection:  
5 NEW SUBSECTION. 1l. The department shall adopt  
6 rules to administer a certified foster care respite  
7 provider program to provide respite in a licensed  
8 foster home. The certified respite provider program  
9 shall provide care, supervision, or guidance of a  
10 foster child when the child is placed with a licensed  
11 foster home. The certified foster care respite  
12 provider shall be responsible to have liability  
13 insurance to provide for any loss or damage arising out  
14 of occurrences during the provision of certified foster  
15 care respite provider care.  
16 Sec. \_\_\_\_\_. Section 237.13, subsection 4, Code 2011,  
17 is amended by adding the following new paragraph:  
18 NEW PARAGRAPH. h. Any loss or damage arising out  
19 of occurrences during the provision of certified foster  
20 care respite provider care pursuant to section 237.3,  
21 subsection 1l.>  
22 2. By renumbering as necessary.

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STEVE KETTERING

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Senate File 2336

S-5203

1 Amend Senate File 2336 as follows:

2 1. Page 78, after line 24 by inserting:

3 <Sec. \_\_\_\_\_. NEW SECTION. **239B.2C Substance abuse**  
4 **screening.**

5 1. For the purposes of this section, unless the  
6 context otherwise requires, "*substance abuse screening*  
7 *program*" or "*screening program*" means the substance  
8 abuse screening program administered pursuant to this  
9 section.

10 2. The substance abuse screening program  
11 requirements of this section apply to the following  
12 applicants for assistance under this chapter:

13 *a.* Each adult parent, guardian, or specified  
14 relative who is included in the applicant family,  
15 including both parents of a two-parent family, or  
16 an individual who may be exempt from work activity  
17 requirements due to the age of the youngest child or  
18 who may be exempt from work activity requirements under  
19 the PROMISE JOBS program.

20 *b.* A minor parent who is not required to live  
21 with a parent, guardian, or other adult caretaker in  
22 accordance with this chapter.

23 3. As a condition of eligibility for an applicant  
24 who is subject to this section to participate in the  
25 family investment program, the applicant shall, if not  
26 otherwise prohibited by state or federal law, agree to  
27 participate in the substance abuse screening program.

28 4. The department shall design and implement a  
29 substance abuse screening program for applicants who  
30 are subject to this section. To the extent authorized  
31 under applicable federal requirements, the screening  
32 program shall include but is not limited to all of the  
33 following elements:

34 *a.* Random drug testing of a percentage of the  
35 applicants. Such testing shall be conducted on an  
36 applicant's blood or urine for the presence of a  
37 controlled substance. However, if the information  
38 available in regard to a specific applicant indicates  
39 there is a strong likelihood that the applicant is  
40 using a controlled substance, such testing may be  
41 required.

42 *b.* Assure each applicant being drug tested a  
43 reasonable degree of dignity while producing and  
44 submitting a sample for drug testing, consistent with  
45 the department's need to ensure the reliability of the  
46 sample.

47 *c.* The results of the blood or urine testing shall  
48 not be admissible in any criminal proceeding without  
49 the consent of the person subject to the testing.

50 *d.* Provision for the cost of the blood or urine

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1 testing under the screening program to be paid by the  
2 applicant.

3 e. Provide any applicant who tests positive in a  
4 drug test under the screening program with a list of  
5 licensed substance abuse treatment programs available  
6 in the area in which the applicant resides. Neither  
7 the department nor the state is not responsible for  
8 providing or paying for substance abuse treatment as  
9 part of the screening conducted under this section.

10 f. An applicant with a positive drug test result  
11 who is denied assistance under this chapter may  
12 reapply for assistance at any time if the individual  
13 can document the successful completion of a licensed  
14 substance abuse treatment program. An applicant  
15 who has met the requirements of this paragraph  
16 and reapplies for assistance must also pass a drug  
17 test under the screening program in order for the  
18 application to be approved. Any drug test conducted  
19 while the individual is undergoing substance abuse  
20 treatment must meet the requirements for a drug test  
21 under the screening program. The cost of any drug  
22 testing or substance abuse treatment provided under  
23 this subsection shall be the responsibility of the  
24 individual being tested or receiving treatment.

25 g. Other design, operation, and standards  
26 provisions adopted in rule to ensure the screening  
27 program is implemented in a fair and economical manner.

28 5. An adult applicant is not eligible to  
29 participate in the family investment program if any of  
30 the following is applicable:

31 a. The applicant does not agree to participate in  
32 the substance abuse screening program.

33 b. The applicant tests positive in a blood or urine  
34 drug test administered under the screening program for  
35 the presence of either of the following:

36 (1) A substance listed in schedule I under section  
37 124.204.

38 (2) A substance listed in schedule II, III, or  
39 IV under chapter 124 that was not prescribed for the  
40 applicant or participant.

41 6. If an applicant parent is deemed ineligible for  
42 assistance as a result of having a positive test result  
43 from a drug test conducted under the screening program,  
44 all of the following apply:

45 a. The eligibility of the applicant's dependent  
46 child for assistance is not affected.

47 b. An appropriate protective payee shall be  
48 designated to receive assistance on behalf of the  
49 dependent child. The applicant parent may choose  
50 to designate an individual as the protective payee.

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1 The individual designated by the applicant parent  
2 as the protective payee must be a specified relative  
3 or other immediate family member unless such family  
4 member is not available or the family member declines  
5 the designation. In which case another individual,  
6 approved by the department, shall be designated as the  
7 protective payee. The individual must also participate  
8 in the screening program before being approved to be  
9 the protective payee. If the designated individual has  
10 a positive test result, the designated individual shall  
11 be ineligible to be the protective payee.  
12 7. The department shall adopt rules to implement  
13 this section.>  
14 2. By renumbering as necessary.

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MARK CHELGREN



**Iowa General Assembly  
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Senate File 2336

S-5204

1 Amend Senate File 2336 as follows:  
 2 1. Page 80, after line 1 by inserting:  
 3 <Sec. \_\_\_\_\_. Section 598.21B, Code 2011, is amended  
 4 by adding the following new subsection:  
 5 NEW SUBSECTION. 5. *Substance abuse screening.*  
 6 Orders made pursuant to this section shall provide  
 7 that a parent who is not awarded primary physical care  
 8 of a child and who is ordered to pay child support  
 9 under this section may request that the parent awarded  
 10 primary physical care of the child participate in a  
 11 substance abuse screening, not more than once every  
 12 six months, at the expense of the parent requesting  
 13 the substance abuse screening. If a parent ordered to  
 14 participate in the substance abuse screening does not  
 15 comply with the order, the noncompliance constitutes  
 16 contempt and grounds for modification of the child  
 17 support order pursuant to section 598.21C. If the  
 18 court finds the parent awarded primary physical care to  
 19 be noncompliant during the modification proceeding, the  
 20 court shall modify the order to require that the child  
 21 support obligation be paid to a protective payee on  
 22 behalf of the child until such time as the noncompliant  
 23 parent complies with the order for participation in the  
 24 substance abuse screening.>  
 25 2. By renumbering as necessary.

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MARK CHELGREN



Iowa General Assembly  
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House File 2459

S-5205

1 Amend House File 2459, as passed by the House, as  
2 follows:  
3 1. Page 3, after line 10 by inserting:  
4 <Sec. \_\_\_\_\_. Section 182.14, Code 2011, is amended by  
5 adding the following new subsection:  
6 NEW SUBSECTION. 2A. An assessment shall not  
7 be imposed upon a producer as otherwise provided  
8 in subsection 2, if the producer exercises a right  
9 to retention as provided in this subsection. The  
10 producer shall exercise such right by submitting an  
11 objection to the board. The objection shall be on a  
12 form promulgated by the board and must be completed  
13 and signed by the producer as required by the board.  
14 The board shall adopt rules necessary to implement and  
15 administer this subsection.>  
16 2. By renumbering as necessary.

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THOMAS G. COURTNEY



Iowa General Assembly  
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Senate File 2336

S-5206

1 Amend Senate File 2336 as follows:

2 1. Page 32, by striking lines 25 and 26 and  
3 inserting <expressly authorized by law, and consistent  
4 with options under federal law and regulations:>

5 2. Page 32, after line 28 by inserting:  
6 <Sec. \_\_\_\_\_. 2011 Iowa Acts, chapter 129, section  
7 122, subsection 1, is amended to read as follows:

8 1. Iowans support reducing the number of abortions  
9 performed in our state. For an abortion covered under  
10 the program, except in the case of a medical emergency,  
11 as defined in section 135L.1, for any woman, the  
12 physician shall certify both of the following:

13 a. That the woman has been given the opportunity to  
14 view an ultrasound image of the fetus as part of the  
15 standard of care before an abortion is performed.

16 b. That the woman has been provided information  
17 regarding the options relative to a pregnancy,  
18 including continuing the pregnancy to term and  
19 retaining parental rights following the child's birth,  
20 continuing the pregnancy to term and placing the child  
21 for adoption, and terminating the pregnancy. Funds  
22 appropriated in this section shall not be used to fund  
23 the performance of any abortions in this state.>

24 3. Page 60, after line 7 by inserting:  
25 <Sec. \_\_\_\_\_. 2011 Iowa Acts, chapter 129, section  
26 146, subsection 1, paragraph a, is amended to read as  
27 follows:

28 a. (1) Funds appropriated in this subsection  
29 shall not be used for to fund the performance of any  
30 abortions shall be used in a manner consistent with  
31 options under federal Medicaid law and regulation in  
32 this state.

33 (2) Iowans support reducing the number of abortions  
34 performed in our state. For an abortion covered  
35 under this subsection, except in the case of a medical  
36 emergency, as defined in section 135L.1, for any woman,  
37 the physician shall certify both of the following:

38 (a) That the woman has been given the opportunity  
39 to view an ultrasound image of the fetus as part of the  
40 standard of care before an abortion is performed.

41 (b) That the woman has been provided information  
42 regarding the options relative to a pregnancy,  
43 including continuing the pregnancy to term and  
44 retaining parental rights following the child's birth,  
45 continuing the pregnancy to term and placing the child  
46 for adoption, and terminating the pregnancy.>

47 4. By renumbering as necessary.



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DAVID JOHNSON

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STEVE KETTERING

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PAUL McKINLEY

---

JAMES F. HAHN

---

BILL ANDERSON

---

KENT SORENSON

---

JERRY BEHN

---

JONI ERNST

---

BRAD ZAUN

---

RICK BERTRAND

---

RANDY FEENSTRA

---

ROBY SMITH

---

JACK WHITVER



Iowa General Assembly  
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Senate File 2336

S-5207

1 Amend Senate File 2336 as follows:  
2 1. Page 32, by striking lines 25 and 26 and  
3 inserting <expressly authorized by law, and consistent  
4 with options under federal law and regulations:>  
5 2. Page 32, after line 28 by inserting:  
6 <Sec. \_\_\_\_\_. 2011 Iowa Acts, chapter 129, section  
7 122, subsection 1, is amended to read as follows:  
8 1. Iowans support reducing the number of abortions  
9 performed in our state. For an abortion covered under  
10 the program, except in the case of a medical emergency,  
11 as defined in section 135L.1, for any woman, the  
12 physician shall certify both of the following:  
13 a. That the woman has been given the opportunity to  
14 view an ultrasound image of the fetus as part of the  
15 standard of care before an abortion is performed.  
16 b. That the woman has been provided information  
17 regarding the options relative to a pregnancy,  
18 including continuing the pregnancy to term and  
19 retaining parental rights following the child's birth,  
20 continuing the pregnancy to term and placing the child  
21 for adoption, and terminating the pregnancy. Funds  
22 appropriated in this section shall not be used to fund  
23 the performance of any abortions in this state.>  
24 3. Page 59, after line 24 by inserting:  
25 <FAMILY PLANNING SERVICES FUNDING  
26 Sec. \_\_\_\_\_. 2011 Iowa Acts, chapter 129, is amended  
27 by adding the following new section:  
28 NEW SECTION. SEC. 143A. FUNDING OF FAMILY PLANNING  
29 SERVICES. A department to which appropriations are  
30 made in this 2012 Act shall not distribute state  
31 funds for family planning services to any entity that  
32 performs abortions in this state or that maintains  
33 or operates a facility where abortions are performed  
34 in this state. For the purposes of this section,  
35 distribution of state funds includes any expenditure,  
36 award, or other distribution of state funds for family  
37 planning services.>  
38 4. Page 60, after line 7 by inserting:  
39 <Sec. \_\_\_\_\_. 2011 Iowa Acts, chapter 129, section  
40 146, subsection 1, paragraph a, is amended to read as  
41 follows:  
42 a. (1) Funds appropriated in this subsection  
43 shall not be used for to fund the performance of any  
44 abortions shall be used in a manner consistent with  
45 options under federal Medicaid law and regulation in  
46 this state.  
47 (2) Iowans support reducing the number of abortions  
48 performed in our state. For an abortion covered  
49 under this subsection, except in the case of a medical  
50 emergency, as defined in section 135L.1, for any woman,



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1 ~~the physician shall certify both of the following:~~  
 2     ~~(a) That the woman has been given the opportunity~~  
 3 ~~to view an ultrasound image of the fetus as part of the~~  
 4 ~~standard of care before an abortion is performed.~~  
 5     ~~(b) That the woman has been provided information~~  
 6 ~~regarding the options relative to a pregnancy,~~  
 7 ~~including continuing the pregnancy to term and~~  
 8 ~~retaining parental rights following the child's birth,~~  
 9 ~~continuing the pregnancy to term and placing the child~~  
 10 ~~for adoption, and terminating the pregnancy.>~~  
 11     5. By renumbering as necessary.

\_\_\_\_\_  
 DAVID JOHNSON

\_\_\_\_\_  
 ROBY SMITH

\_\_\_\_\_  
 RANDY FEENSTRA

\_\_\_\_\_  
 JAMES F. HAHN

\_\_\_\_\_  
 STEVE KETTERING

\_\_\_\_\_  
 JONI ERNST

\_\_\_\_\_  
 RICK BERTRAND

\_\_\_\_\_  
 BILL ANDERSON

\_\_\_\_\_  
 KENT SORENSON



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BRAD ZAUN

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JERRY BEHN

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PAUL MCKINLEY

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MARK CHELGREN

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Senate File 2336

S-5208

1 Amend the amendment, S-5203, to Senate File 2336 as  
 2 follows:  
 3 1. By striking page 1, line 3, through page 3, line  
 4 13, and inserting:  
 5 <<Sec. \_\_\_\_ . **NEW SECTION. 239B.2C Absence from home**  
 6 **— incarceration.**  
 7 An individual family member who is absent from the  
 8 home for more than three months because the individual  
 9 is incarcerated in jail or a correctional facility  
 10 shall not be included in the family unit for purposes  
 11 of assistance.>>

\_\_\_\_\_  
 ROBERT M. HOGG

\_\_\_\_\_  
 JACK HATCH



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Senate File 2336

S-5209

1 Amend the amendment, S-5203, to Senate File 2336 as  
2 follows:  
3 1. By striking page 1, line 1, through page 3, line  
4 14, and inserting:  
5 <Amend Senate File 2336 as follows:  
6 \_\_\_\_\_. Page 78, after line 24 by inserting:  
7 <Sec. \_\_\_\_\_. **NEW SECTION. 239B.2C Absence from home**  
8 **— incarceration.**  
9 An individual family member who is absent from the  
10 home for more than three months because the individual  
11 is incarcerated in jail or a correctional facility  
12 shall not be included in the family unit for purposes  
13 of assistance.  
14 Sec. \_\_\_\_\_. **NEW SECTION. 239B.2D Substance abuse**  
15 **screening.**  
16 1. For the purposes of this section, unless the  
17 context otherwise requires, "*substance abuse screening*  
18 *program*" or "*screening program*" means the substance  
19 abuse screening program administered pursuant to this  
20 section.  
21 2. The substance abuse screening program  
22 requirements of this section apply to the following  
23 applicants for assistance under this chapter:  
24 a. Each adult parent, guardian, or specified  
25 relative who is included in the applicant family,  
26 including both parents of a two-parent family, or  
27 an individual who may be exempt from work activity  
28 requirements due to the age of the youngest child or  
29 who may be exempt from work activity requirements under  
30 the PROMISE JOBS program.  
31 b. A minor parent who is not required to live  
32 with a parent, guardian, or other adult caretaker in  
33 accordance with this chapter.  
34 3. As a condition of eligibility for an applicant  
35 who is subject to this section to participate in the  
36 family investment program, the applicant shall, if not  
37 otherwise prohibited by state or federal law, agree to  
38 participate in the substance abuse screening program.  
39 4. The department shall design and implement a  
40 substance abuse screening program for applicants who  
41 are subject to this section. To the extent authorized  
42 under applicable federal requirements, the screening  
43 program shall include but is not limited to all of the  
44 following elements:  
45 a. Random drug testing of a percentage of the  
46 applicants. Such testing shall be conducted on an  
47 applicant's blood or urine for the presence of a  
48 controlled substance. However, if the information  
49 available in regard to a specific applicant indicates  
50 there is a strong likelihood that the applicant is

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1 using a controlled substance, such testing may be  
2 required.

3 *b.* Assure each applicant being drug tested a  
4 reasonable degree of dignity while producing and  
5 submitting a sample for drug testing, consistent with  
6 the department's need to ensure the reliability of the  
7 sample.

8 *c.* The results of the blood or urine testing shall  
9 not be admissible in any criminal proceeding without  
10 the consent of the person subject to the testing.

11 *d.* Provision for the cost of the blood or urine  
12 testing under the screening program to be paid by the  
13 applicant.

14 *e.* Provide any applicant who tests positive in a  
15 drug test under the screening program with a list of  
16 licensed substance abuse treatment programs available  
17 in the area in which the applicant resides. Neither  
18 the department nor the state is not responsible for  
19 providing or paying for substance abuse treatment as  
20 part of the screening conducted under this section.

21 *f.* An applicant with a positive drug test result  
22 who is denied assistance under this chapter may  
23 reapply for assistance at any time if the individual  
24 can document the successful completion of a licensed  
25 substance abuse treatment program. An applicant  
26 who has met the requirements of this paragraph  
27 and reapplies for assistance must also pass a drug  
28 test under the screening program in order for the  
29 application to be approved. Any drug test conducted  
30 while the individual is undergoing substance abuse  
31 treatment must meet the requirements for a drug test  
32 under the screening program. The cost of any drug  
33 testing or substance abuse treatment provided under  
34 this subsection shall be the responsibility of the  
35 individual being tested or receiving treatment.

36 *g.* Other design, operation, and standards  
37 provisions adopted in rule to ensure the screening  
38 program is implemented in a fair and economical manner.

39 5. An adult applicant is not eligible to  
40 participate in the family investment program if any of  
41 the following is applicable:

42 *a.* The applicant does not agree to participate in  
43 the substance abuse screening program.

44 *b.* The applicant tests positive in a blood or urine  
45 drug test administered under the screening program for  
46 the presence of either of the following:

47 (1) A substance listed in schedule I under section  
48 124.204.

49 (2) A substance listed in schedule II, III, or  
50 IV under chapter 124 that was not prescribed for the

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1 applicant or participant.  
2 6. If an applicant parent is deemed ineligible for  
3 assistance as a result of having a positive test result  
4 from a drug test conducted under the screening program,  
5 all of the following apply:  
6 a. The eligibility of the applicant's dependent  
7 child for assistance is not affected.  
8 b. An appropriate protective payee shall be  
9 designated to receive assistance on behalf of the  
10 dependent child. The applicant parent may choose  
11 to designate an individual as the protective payee.  
12 The individual designated by the applicant parent  
13 as the protective payee must be a specified relative  
14 or other immediate family member unless such family  
15 member is not available or the family member declines  
16 the designation. In which case another individual,  
17 approved by the department, shall be designated as the  
18 protective payee. The individual must also participate  
19 in the screening program before being approved to be  
20 the protective payee. If the designated individual has  
21 a positive test result, the designated individual shall  
22 be ineligible to be the protective payee.  
23 7. The department shall adopt rules to implement  
24 this section.>  
25 \_\_\_\_\_. By renumbering as necessary.>

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MARK CHELGREN



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Senate File 2336

S-5210

1 Amend Senate File 2336 as follows:  
2 1. Page 78, after line 24 by inserting:  
3 <Sec. \_\_\_\_ . NEW SECTION. **239B.2C** **Absence from home**  
4 **— incarceration.**  
5 An individual family member who is absent from the  
6 home for more than three months because the individual  
7 is incarcerated in jail or a correctional facility  
8 shall not be included in the family unit for purposes  
9 of assistance.>

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ROBERT M. HOGG

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JACK HATCH





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Senate Resolution 118 - Introduced

SENATE RESOLUTION NO. 118

BY KIBBIE, GRONSTAL, and BEHN

1 A Resolution honoring William L. Krieg for more than  
2 two decades of service to the Iowa Senate.  
3 WHEREAS, in the year 1989, the Berlin Wall came  
4 down, Chinese students occupied Tiananmen Square, a  
5 gallon of gas cost 97 cents, and William L. Krieg began  
6 a 22-year career with the Iowa Senate; and  
7 WHEREAS, Mr. Krieg was a long-time Des Moines  
8 resident who came to the Senate after a busy career,  
9 working with National By-Products, the Borden company,  
10 Pennwalt, the Des Moines Register, and Universal  
11 Hospital Services; and  
12 WHEREAS, beginning as a doorman, in 1998 Mr. Krieg  
13 assumed the position of Sergeant-at-Arms; and  
14 WHEREAS, for the next 13 years Mr. Krieg shouldered  
15 the responsibility of bringing order and decorum to  
16 the floor of the Senate — no easy task in the swirl  
17 of a legislative session, where anything can and does  
18 happen; and  
19 WHEREAS, Mr. Krieg's most important responsibility  
20 was the direction and supervision of the young men and  
21 women who served as Senate pages, working with hundreds  
22 of these youngsters over the years, instilling in them  
23 a work ethic and providing them with an opportunity to  
24 witness the political process firsthand; and  
25 WHEREAS, first and foremost Bill Krieg is a family  
26 man — a husband to his late, beloved wife Ruth, to  
27 whom he was married for 59 years, and a father to his  
28 children: Cindy (Jarard) Killip, Diane (Steve) Osieki,

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S.R. 118

1 Bill (Jean) Krieg, Mary (Bob) Rasmussen, and Jon (Patti  
2 McKee) Krieg; and

3 WHEREAS, Mr. Krieg also has 11 grandchildren and  
4 seven great-grandchildren; and a 40-year succession of  
5 pet beagles: Dixie, Daisy, Rubi, and now Trixie; NOW  
6 THEREFORE,

7 BE IT RESOLVED BY THE SENATE, That the Senate honors  
8 William L. Krieg for more than two decades of service  
9 to the Senate and the people of Iowa, and wishes him  
10 and his family much happiness in the years to come; and

11 BE IT FURTHER RESOLVED, That an official copy  
12 of this Resolution be prepared and presented to  
13 Sergeant-at-Arms William L. Krieg.