

United States and of the state of Iowa. During the period of twelve months after appointment, any member of the department of public safety, except members of the present Iowa highway safety patrol who have served more than six months, is subject to dismissal at the will of the director. After the twelve months' service, a member of the department, who was appointed after having passed the examinations, is not subject to dismissal, suspension, disciplinary demotion, or other disciplinary action resulting in the loss of pay unless charges have been filed with the department of inspections and appeals and a hearing held by the employment appeal board created by section 10A.601, if requested by the member, at which the member has an opportunity to present a defense to the charges. The decision of the appeal board is final, subject to the right of judicial review in accordance with the terms of the Iowa administrative procedure Act. However, these procedures as to dismissal, suspension, demotion, or other discipline do not apply to a member who is covered by a collective bargaining agreement which provides otherwise nor to the demotion of a division head to the rank which the division head held at the time of appointment as division head, if any. A division head who is demoted has the right to return to the rank which the division head held at the time of appointment as division head, if any. All rules, except employment provisions negotiated pursuant to chapter 20, regarding the enlistment, appointment, and employment affecting the personnel of the department shall be established by the director in consultation with the director of the department of personnel, subject to approval by the governor.

Approved May 12, 1988

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## CHAPTER 1236

### CIVIL RIGHTS OF PERSONS WITH AIDS

*H.F. 2344*

**AN ACT** relating to the civil rights of persons with a condition relating to acquired immune deficiency syndrome, by prohibiting the testing, with respect to the employment of persons, for a condition related to acquired immune deficiency syndrome, and by making remedial provisions of the civil rights law applicable and amending the definition of disability.

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

Section 1. Section 601A.2, subsection 11, Code 1987, is amended to read as follows:

11. "Disability" means the physical or mental condition of a person which constitutes a substantial handicap, and the condition of a person with a positive human immunodeficiency virus test result, a diagnosis of acquired immune deficiency syndrome, a diagnosis of acquired immune deficiency syndrome-related complex, or any other condition related to acquired immune deficiency syndrome. The inclusion of a condition related to a positive human immunodeficiency virus test result in the meaning of "disability" under the provisions of this chapter does not preclude the application of the provisions of this chapter to conditions resulting from other contagious or infectious diseases. In reference to employment, under this chapter, "disability" also means the physical or mental condition of a person which constitutes a substantial handicap, but is unrelated to such person's ability to engage in a particular occupation.

Sec. 2. Section 601A.6, subsection 1, Code Supplement 1987, is amended by adding the following new paragraph:

**NEW PARAGRAPH.** d. Person to solicit or require as a condition of employment of any employee or prospective employee a test for the presence of the antibody to the human

immunodeficiency virus or to affect the terms, conditions, or privileges of employment or terminate the employment of any employee solely as a result of the employee obtaining a test for the presence of the antibody to the human immunodeficiency virus. An agreement between an employer, employment agency, labor organization, or their employees, agents, or members and an employee or prospective employee concerning employment, pay, or benefits to an employee or prospective employee in return for taking a test for the presence of the antibody to the human immunodeficiency virus, is prohibited. The prohibitions of this paragraph do not apply if the state epidemiologist determines and the director of public health declares through the utilization of guidelines established by the center for disease control of the United States department of health and human services, that a person with a condition related to acquired immune deficiency syndrome poses a significant risk of transmission of the human immunodeficiency virus to other persons in a specific occupation.

Approved May 12, 1988

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## CHAPTER 1237

### RADON TESTING AND REPORTING

*H.F. 2354*

**AN ACT** relating to radon testing and providing a penalty.

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

**Section 1. NEW SECTION. 136E.1 RADON TESTING PROGRAM.**

1. As used in this chapter, unless the context otherwise requires, "department" means the Iowa department of public health.
2. The department shall establish a program and adopt rules for the certification of persons who test for the presence of radon gas and radon progeny in building.
3. Following the establishment of the certification program by the department, a person who is not certified, as appropriate, shall not test for the presence of radon gas and radon progeny. This section does not apply to a person performing the testing on a building which the person owns, or to a person performing testing without compensation.
4. For the purposes of this section, radon abatement systems shall be classified as mechanical ventilation systems.

**Sec. 2. NEW SECTION. 136E.2 RADON TESTING INFORMATION.**

1. A person shall not disclose to any other person, except to the department, the address or owner of a nonpublic building that the person tested for the presence of radon gas and radon progeny, unless the owner of the building waives, in writing, this right of confidentiality. Any test results disclosed shall be results of a test performed within the five years prior to the date of the disclosure.

Notwithstanding the requirements of this section, disclosure to any person of the results of a test performed on a nonpublic building for the presence of radon gas and radon progeny is not required if the results do not exceed the currently established United States environmental protection agency action guidelines.

A person who tests a nonpublic building which the person owns is not required to disclose to any person the results of a test for the presence of radon gas or progeny if the test is performed by the person who owns the nonpublic building.

2. A person certified pursuant to section 136E.1 shall, within thirty days of the provision of any radon testing services or at the request of the department prior to testing, disclose