

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

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

to the department the address or location of the building, the name of the owner of the building where the services were or will be provided, and the results of any tests performed.

Sec. 3. NEW SECTION. 136E.3 TESTING AND REPORTING OF RADON LEVEL.

The department shall from time to time perform inspections and testing of the premises of a property to determine the level at which it is contaminated with radon gas or radon progeny as a spot-check of the validity of measurements performed by persons certified under section 136E.1. Following testing the department shall provide the owner of the property with a written report of its results including the concentration of radon gas or radon progeny contamination present, an interpretation of the results, and recommendation of appropriate action. A person certified under section 136E.1 shall also be advised of the department's results, discrepancies revealed by the spot-check, actions required of the person, and actions the department intends to take with respect to the person's continued certification.

Sec. 4. NEW SECTION. 136E.4 ADMINISTRATION OF THE RADON PROGRAM.

The department shall establish a fee schedule to defray the costs of the certification program established pursuant to section 136E.1 and the testing conducted and the written reports provided pursuant to section 136E.3.

The department shall adopt rules, pursuant to chapter 17A, to implement this chapter.

Sec. 5. NEW SECTION. 136E.5 PENALTY FOR VIOLATION.

A person who violates a provision of this division is guilty of a serious misdemeanor.

Approved May 12, 1988

CHAPTER 1238

TRAINING FOR MANDATORY REPORTERS OF ABUSE

H.F. 2367

AN ACT relating to training for mandatory reporters of dependent adult abuse and child abuse.

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

Section 1. Section 232.69, subsection 3, Code Supplement 1987, is amended to read as follows:

3. A person required to make a report under subsection 1, other than a physician whose professional practice does not regularly involve providing primary health care to children, shall complete two hours of training relating to the identification and reporting of child abuse within ~~one year~~ six months of initial employment or self-employment involving the examination, attending, counseling, or treatment of children on a regular basis. Within one month of initial employment or self-employment, the person shall obtain a statement of the abuse reporting requirements from the person's employer or, if self-employed, from the department. The person shall complete at least two hours of additional child abuse identification and reporting training every five years. If the person is an employee of a hospital or similar institution, or of a public or private institution, agency, or facility, the employer shall be responsible for providing the child abuse identification and reporting training. If the person is self-employed, the person shall be responsible for obtaining the child abuse identification and reporting training. The person may complete the initial or additional training as part of a continuing education program required under chapter 258A or may complete the training as part of a training program offered by the department of human services, the department of education, an area education agency, a school district, the Iowa law enforcement academy, or a similar public agency.