

CHAPTER 124**PESTICIDES – INGREDIENTS – INFORMATION***S.F. 297*

AN ACT relating to the confidentiality of information identifying inert ingredients in pesticides, and providing retroactive applicability and effective dates.

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

Section 1. Section 139.35, Code 1991, is amended by adding the following new subsections:

NEW SUBSECTION. 6. The Iowa department of public health shall timely provide copies of all reports of pesticide poisonings or illnesses received pursuant to this section to the secretary of agriculture who shall timely forward these reports and any reports of pesticide poisonings or illnesses received pursuant to section 206.14 to the registrant of a pesticide which is the subject of any reports.

NEW SUBSECTION. 7. The Iowa department of public health shall adopt rules specifying the requirements for the operation of an emergency information system operated by a registrant pursuant to section 206.12, subsection 2, paragraph "c", which shall not exceed requirements adopted by a poison control center as defined in section 206.2. The rules shall specify the qualifications of individuals staffing an emergency information system and shall specify the maximum amount of time that a registrant may take to provide the information to a poison control center or an attending physician treating a patient exposed to the registrant's product.

Sec. 2. Section 206.2, Code 1991, is amended by adding the following new subsections:

NEW SUBSECTION. 30. "Poison control center" means an entity existing as part of a hospital licensed under chapter 135B which adheres to the standards of the American association of poison control centers.

NEW SUBSECTION. 31. "Toxic to humans" means not generally recognized as safe as provided by the United States food and drug administration pursuant to 21 C.F.R. pt. 182.

Sec. 3. Section 206.12, subsection 2, paragraph c, unnumbered paragraph 3, Code 1991, is amended to read as follows:

The From on and after July 1, 1990, to December 31, 1991, the identity of a specific inert ingredient in a specific pesticide shall be treated as a confidential trade secret which is not subject to release under chapter 22.

On and after January 1, 1992, the identity of an inert ingredient in a specific pesticide shall be treated as a confidential trade secret if the following two conditions are met: the registrant states, at the time of registration, that the inert ingredient is a confidential trade secret; and three or fewer registrants are using a particular active ingredient in a registered pesticide the registrant certifies one of the following:

(1) The registrant has provided to any data base system used by a poison control center operating in this state the information required by an attending physician to treat a patient for exposure or adverse reaction to the registrant's product, including the identification of all ingredients which are toxic to humans.

(2) The registrant operates an emergency information system as provided in section 139.35 that is available to poison control centers twenty-four hours a day every day of the year. The emergency information system must provide information to medical professionals required for the sole purpose of treating a specific patient for exposure or adverse reaction to the registrant's product, including the identification of all ingredients which are toxic to humans, and toxicological and medical management information.

Poison control centers may share the information provided by the registrant with an attending physician for the purpose of treating a specific patient exposed to the registrant's product. The secretary, the director of the department of natural resources, and the director of the center

for health effects of environmental contamination shall treat the presence of any inert ingredient in a particular pesticide that meets the two conditions as a confidential trade secret which is not subject to release under chapter 22. This section does not prohibit research or monitoring of any aspect of any inert ingredient. This section does not prohibit the public disclosure of research, monitoring, published or summary data relative to any inert ingredient so long as such disclosure does not link an inert ingredient to a particular brand of pesticide registered in this state.

This section shall not be construed to prohibit the release of information independently obtained from a source other than registrations filed under this chapter which links an inert ingredient to a pesticide registered in this state.

Sec. 4. APPLICABILITY AND EFFECTIVE DATES.

1. Sections 206.2 and 206.12, Code 1991, as amended by this Act, are retroactively applicable to July 1, 1990, and are applicable to inert ingredient information received by state officials on and after that date.

2. This bill,* being deemed of immediate importance, takes effect upon enactment.

Approved May 7, 1991

CHAPTER 125

REIMBURSEMENT FOR SPECIAL EDUCATION SERVICES

S.F. 314

AN ACT relating to federal reimbursements for certain special education services.

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

Section 1. Section 281.15, subsection 7, Code 1991, is amended to read as follows:

7. ~~All~~ Except as otherwise provided in this subsection, all reimbursements received by the area education agencies for eligible services shall be paid annually to the treasurer of state. The area education agencies shall, after determining the administrative costs associated with the implementation of medical assistance reimbursement for the eligible services, be permitted to retain up to twenty-five percent of the total amount reimbursed to pay for the administrative costs. Funds received under this subsection shall not be considered or included as part of the area education agencies' budgets when calculating funds that are to be received by area education agencies during a fiscal year. Except as otherwise provided in this subsection, the treasurer of state shall credit all receipts received under this subsection to the general fund of the state.

Sec. 2. Section 281.15, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 10. The department of human services shall offer assistance to the area education agencies in the identification of children eligible for reimbursement for services under this section.

Approved May 7, 1991

* "Act" probably intended