

2. A terminally ill parent may consent to termination of parental rights and adoption of a child under a standby adoption if the other parent of the child is not living or the other parent has previously had the parent's parental rights terminated.

3. A person who meets the qualifications to file an adoption petition pursuant to section 600.4 may file a petition for standby adoption. A standby adoption shall comply with the requirements of sections 600.7 through 600.12. However, the court may order that the completion of placement investigations and reports be expedited based on the circumstances of a particular case. The court may waive the minimum residence period requirement pursuant to section 600.10 to expedite the standby adoption if necessary.

4. If a consent to a standby adoption is attached to an adoption petition pursuant to section 600.6, the court determines that the requirements of this chapter relative to a standby adoption are met, and the court determines that the standby adoption is in the best interest of the child to be adopted, the court shall issue a standby adoption decree or a final adoption decree. However, the terminally ill parent's parental rights shall not be terminated and the standby adoption shall not be finalized until the death of the terminally ill parent or the request of the terminally ill parent for issuance of the final adoption decree.

5. A standby adoption decree shall become final upon notice of the death of the terminally ill parent or upon the terminally ill parent's request that a final adoption decree be issued. If the court determines at the time of the notice or request that the standby adoption is still in the best interest of the child, the court shall issue a final adoption decree.

Approved April 20, 2001

CHAPTER 58

PUBLIC HEALTH REGULATION

S.F. 433

AN ACT relating to certain programs and public health issues under the purview of the Iowa department of public health, and providing a penalty.

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

Section 1. Section 124.204, subsection 5, Code 2001, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. Gamma-hydroxybutyric acid. Some trade or other names: GHB; gamma-hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate.

Sec. 2. Section 124.208, subsection 3, Code 2001, is amended by adding the following new paragraph:

NEW PARAGRAPH. m. Any drug product containing gamma-hydroxybutyric acid, including its salts, isomers, and salts of isomers, for which an application is approved under section 505 of the federal Food, Drug, and Cosmetic Act.

Sec. 3. Section 135.11, subsection 25, Code 2001, is amended to read as follows:

25. Establish ad hoc and advisory committees to the director in areas where technical expertise is not otherwise readily available. Members may be compensated for their actual and necessary expenses incurred in the performance of their duties. To encourage health consumer participation, public members may also receive a per diem as specified in section

7E.6 if funds are available and the per diem is determined to be appropriate by the director. Expense moneys paid to the members shall be paid from funds appropriated to the department. A majority of the members of such a committee constitutes a quorum.

Sec. 4. Section 135.105C, Code 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 3. A person who violates this section is subject to a civil penalty not to exceed five thousand dollars for each offense.

Sec. 5. Section 135I.1, subsection 3, Code 2001, is amended to read as follows:

3. "Spa" means a bathing facility such as a hot tub or whirlpool designed for recreational or therapeutic use. ~~However, "spa" does not include a facility used under direct supervision of qualified medical personnel.~~

Sec. 6. Section 135I.2, Code 2001, is amended to read as follows:

135I.2 APPLICABILITY.

This chapter applies to all swimming pools and spas owned or operated by local or state government, or commercial interests or private entities including, but not limited to, facilities operated by cities, counties, public or private school corporations, hotels, motels, camps, apartments, condominiums, and health or country clubs. This chapter does not apply to facilities intended for single family use or to a swimming pool or spa operated by a homeowners' association representing seventy-two or fewer dwelling units if the association's bylaws, which also apply to a rental agreement relative to any of the dwelling units, include an exemption from the requirements of this chapter, provide for inspection of the swimming pool or spa by an entity other than the department or local board of health, and assume any liability associated with operation of the swimming pool or spa. This chapter does not apply to a swimming pool or spa used exclusively for therapy under the direct supervision of qualified medical personnel. To avoid duplication and promote coordination of inspection activities, the department may enter into agreements pursuant to chapter 28E with a local board of health to provide for inspection and enforcement in accordance with this chapter.

Sec. 7. Section 147.74, Code 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 20A. A registered nurse licensed under chapter 152 may use the words "registered nurse" or the letters "R.N." after the person's name. A licensed practical nurse licensed under chapter 152 may use the words "licensed practical nurse" or the letters "L.P.N." after the person's name.

Sec. 8. Section 147.80, subsection 16, Code 2001, is amended to read as follows:

16. License to practice barbering on the basis of an examination given by the board of barber examiners, license to practice barbering under a reciprocal agreement, renewal of a license to practice barbering, annual inspection by the department of inspections and appeals of barber school and annual inspection of barber shop, an original barber school license, renewal of a barber school license, transfer of license upon change of ownership of a barber shop or barber school, inspection by the department of inspections and appeals and an original barber shop license, renewal of a barber shop license, original barber school instructor's license, renewal of a barber school instructor's license, ~~original barber assistant's license, renewal of a barber assistant's license.~~

Sec. 9. Section 147.91, Code 2001, is amended to read as follows:

147.91 PUBLICATIONS.

The department shall have ~~printed in pamphlet form~~ available for each profession the following ~~matter which is pertinent to the particular profession for which such pamphlet is published~~ information:

1. The law regulating the practice of the profession.

2. The rules of the Iowa department of public health and the department of inspections and appeals relative to licenses.

3. The rules of the examining board relative to examinations.

Such ~~pamphlet~~ information shall be supplied to any person applying for the same. The department may, to the extent feasible, make the information described in this section available by electronic means, including, but not limited to, access to the documents through the internet.

Sec. 10. Section 147A.8, subsection 2, paragraph d, Code 2001, is amended to read as follows:

d. Employed by or assigned to a hospital or other entity in which health care is ordinarily provided only when under the direct supervision of a physician, as a member of an authorized ambulance, rescue, or first response service, or in an individual capacity, to perform nonlifesaving procedures for which those individuals have been ~~trained~~ certified and are designated in a written job description. Such procedures may be performed after the patient is observed by and when the emergency medical care provider is under the supervision of the physician, physician assistant, or registered nurse, including when the registered nurse is not acting in the capacity of a physician designee, and where the procedure may be immediately abandoned without risk to the patient.

Sec. 11. Section 154.6, Code 2001, is amended to read as follows:

154.6 EXPIRATION AND RENEWAL OF LICENSES.

Every license to practice optometry shall expire in multiyear intervals as determined by the board. Application for renewal of such license shall be made in writing to the Iowa department of public health at least thirty days prior to the expiration date, accompanied by the required renewal fee and ~~the affidavit of the licensee or other proof satisfactory to the department and to the Iowa state board of optometry examiners, that the applicant has annually attended, since the issuance of the last license to the applicant, an educational program or clinic as conducted by the Iowa Optometric Association, or its equivalent, for a period of at least two days. The attendance requirement at the educational program or clinic shall not be conditioned upon membership in the Iowa Optometric Association. Nonmembers shall be admitted to the annual educational program or clinic upon payment of their pro rata share of the cost. In lieu of attendance at the annual educational program or clinic, it shall be the duty of the board of optometry examiners to recognize and approve attendance at local optometric study group meetings as shall, in the judgment of the board, constitute an equivalent to attendance at the annual educational program of the association~~ the licensee shall submit evidence of attendance of continuing education in this field.

Sec. 12. Section 154.7, Code 2001, is amended to read as follows:

154.7 NOTICE OF EXPIRATION.

Notice of expiration of the license to practice optometry shall be given by the Iowa department of public health to all certificate holders by mailing the notice to the last known address of such licensee at least ~~seventy-five~~ sixty days prior to the expiration date, and the notice shall contain a statement of the educational program attendance requirement and the amount of legal fee required as a condition to the renewal of the license. Subject to the provisions of this chapter, the license shall be renewed without examination.

Sec. 13. Section 154A.14, Code 2001, is amended to read as follows:

154A.14 RECIPROCITY.

If the board determines that another state or jurisdiction has requirements equivalent to or higher than those provided in this chapter, the department may issue a license by reciprocity to applicants who hold valid certificates or licenses to ~~deal in~~ dispense and fit hearing aids in the other state or jurisdiction. An applicant for a license by reciprocity is not required to take a qualifying examination, but is required to pay the license fee as provided in section 154A.17. The holder of a license of reciprocity is registered in the same manner as the

holder of a regular license. Fees, grounds for renewal, and procedures for the suspension and revocation of license by reciprocity are the same as for a regular license.

Sec. 14. Section 158.9, unnumbered paragraph 3, Code 2001, is amended by striking the unnumbered paragraph.

Sec. 15. Section 714.16, subsection 1, paragraph e, Code 2001, is amended to read as follows:

e. "Contaminant" means any particulate, chemical, microbiological, or radiological substance in water which has a potentially adverse health effect and for which a maximum contaminant level (MCL) or treatment technique requirement or an action level established in lieu of a maximum contaminant level (MCL), has been specified in the national primary drinking water regulations.

Sec. 16. Section 714.16, subsection 2, paragraph h, subparagraph (3), subparagraph subdivision (c), Code 2001, is amended to read as follows:

(c) Performance and test data including, but not limited to, the list of contaminants certified to be reduced by the water treatment system; the test influent concentration level of each contaminant or surrogate for that contaminant; the percentage reduction or effluent concentration of each contaminant or surrogate; where applicable, the maximum contaminant level (MCL) or a treatment technique requirement or an action level established in lieu of a maximum contaminant level (MCL) specified in the national primary drinking water regulations; where applicable, the approximate capacity in gallons; where applicable, the period of time during which the unit is effective in reducing contaminants based upon the contaminant or surrogate influent concentrations used for the performance tests; where applicable, the flow rate, pressure, and operational temperature of the water during the performance tests.

Sec. 17. Section 158.11, Code 2001, is repealed.

Sec. 18. Sections 154A.1, 154A.2, 154A.4, 154A.9, 154A.13, 154A.18, 154A.19, 154A.20, 154A.21, 154A.23, 154A.24, and 154A.25, Code 2001, are amended by striking the word "dealer" or "dealers" and inserting the word "dispenser" or "dispensers".

Approved April 23, 2001

CHAPTER 59

INDIAN HOUSING AUTHORITY PROPERTY — TAX EXEMPTION

S.F. 449

AN ACT exempting property owned and operated by an Indian housing authority from property tax and including an effective date.

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

Section 1. Section 427.1, Code 2001, is amended by adding the following new subsection: NEW SUBSECTION. 33. Property owned and operated by an Indian housing authority, as defined in 24 C.F.R. § 950.102, created under Indian law, if a cooperative agreement has been made with the local governing body agreeing to the exemption. The exemption in this subsection is subject to the provisions of subsection 14.