

CHAPTER 1081**DONATION OF FOOD
TO DEPARTMENT OF NATURAL RESOURCES
OR COUNTY CONSERVATION BOARDS — LIABILITY***H.F. 2581*

AN ACT relating to the donation of food to the department of natural resources or county conservation boards.

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

Section 1. Section 672.1, subsection 2, Code 2007, is amended to read as follows:

2. A gleaner, or a restaurant, food establishment, food service establishment, school, manufacturer of foodstuffs, meat or poultry establishment licensed pursuant to chapter 189A, or other person who, in good faith, donates food to a charitable or nonprofit organization for ultimate free distribution to needy individuals, or to the department of natural resources or a county conservation board for use in a free interpretive educational program, is not subject to criminal or civil liability arising from the condition of the food if the donor reasonably inspects the food at the time of the donation and finds the food fit for human consumption. The immunity provided by this subsection does not extend to a donor or gleaner if damages result from the negligence, recklessness, or intentional misconduct of the donor, or if the donor or gleaner has, or should have had, actual or constructive knowledge that the food is tainted, contaminated, or harmful to the health or well-being of the ultimate recipient.

Approved April 11, 2008

CHAPTER 1082**CIVIL COMMITMENT — PERIODIC REPORTING —
AUTHORIZED HEALTH CARE PRACTITIONERS***H.F. 2603*

AN ACT authorizing certain advanced registered nurse practitioners and psychiatrists to file certain periodic court reports on chronic substance abusers and persons with mental illness who do not require full-time placement in a treatment facility.

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

Section 1. Section 125.2, Code 2007, is amended by adding the following new subsection: **NEW SUBSECTION.** 13C. “Psychiatric advanced registered nurse practitioner” means an individual currently licensed as a registered nurse under chapter 152 or 152E who holds a national certification in psychiatric health care and who is registered with the board of nursing as an advanced registered nurse practitioner.

Sec. 2. Section 125.86, subsection 2, Code 2007, is amended to read as follows:

2. No more than sixty days after entry of a court order for treatment of a respondent under section 125.84, subsection 3, and thereafter at successive intervals not to exceed ninety days for as long as involuntary treatment continues, the administrator of the facility or the psychiatrist or psychiatric advanced registered nurse practitioner treating the patient shall report to

the court which entered the order. The report shall be submitted in the manner required by section 125.84, shall state whether in the opinion of the chief medical officer or the psychiatrist or psychiatric advanced registered nurse practitioner the respondent's condition has improved, remains unchanged, or has deteriorated, and shall indicate the further length of time the respondent will require treatment by the facility. If the respondent fails or refuses to submit to treatment as ordered by the court, the administrator of the facility shall at once notify the court, which shall order the respondent committed for treatment as provided by section 125.84, subsection 3, unless the court finds that the failure or refusal was with good cause, and that the respondent is willing to receive treatment as provided in the court's order, or in a revised order if the court sees fit to enter one. If the administrator of the facility reports to the court that the respondent requires full-time custody, care, and treatment in a facility, and the respondent is willing to be admitted voluntarily to the facility for these purposes, the court may enter an order approving the placement upon consultation with the administrator of the facility in which the respondent is to be placed. If the respondent is unwilling to be admitted voluntarily to the facility, the procedure for determining involuntary commitment, as provided in section 125.84, subsection 3, shall be followed.

Sec. 3. Section 125.86, Code 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 3. a. A psychiatric advanced registered nurse practitioner treating a patient previously hospitalized under this chapter may complete periodic reports pursuant to this section on the patient if the patient has been recommended for treatment on an outpatient or other appropriate basis pursuant to section 125.84, subsection 3, and if a psychiatrist licensed pursuant to chapter 148, 150, or 150A personally evaluates the patient on at least an annual basis.

b. An advanced registered nurse practitioner who is not certified as a psychiatric advanced registered nurse practitioner but who meets the qualifications set forth in the definition of a mental health professional in section 228.1 on July 1, 2008, may complete periodic reports pursuant to paragraph "a".

Sec. 4. Section 229.1, Code 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 11A. "Psychiatric advanced registered nurse practitioner" means an individual currently licensed as a registered nurse under chapter 152 or 152E who holds a national certification in psychiatric health care and who is registered with the board of nursing as an advanced registered nurse practitioner.

Sec. 5. Section 229.15, subsection 2, Code 2007, is amended to read as follows:

2. Not more than sixty days after the entry of a court order for treatment of a patient pursuant to a report issued under section 229.14, subsection 1, paragraph "c", and thereafter at successive intervals as ordered by the court but not to exceed ninety days so long as that court order remains in effect, the medical director of the facility or the psychiatrist or psychiatric advanced registered nurse practitioner treating the patient shall report to the court which entered the order. The report shall state whether the patient's condition has improved, remains unchanged, or has deteriorated, and shall indicate if possible the further length of time the patient will require treatment by the facility. If at any time the patient without good cause fails or refuses to submit to treatment as ordered by the court, the medical director shall at once so notify the court, which shall order the patient hospitalized as provided by section 229.14, subsection 2, paragraph "d", unless the court finds that the failure or refusal was with good cause and that the patient is willing to receive treatment as provided in the court's order, or in a revised order if the court sees fit to enter one. If at any time the medical director reports to the court that in the director's opinion the patient requires full-time custody, care and treatment in a hospital, and the patient is willing to be admitted voluntarily to the hospital for these purposes, the court may enter an order approving hospitalization for appropriate treatment upon consultation with the chief medical officer of the hospital in which the patient is to be hospitalized. If the patient is unwilling to be admitted voluntarily to the hospital, the procedure

for determining involuntary hospitalization, as set out in section 229.14, subsection 2, paragraph “d”, shall be followed.

Sec. 6. Section 229.15, Code 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. a. A psychiatric advanced registered nurse practitioner treating a patient previously hospitalized under this chapter may complete periodic reports pursuant to this section on the patient if the patient has been recommended for treatment on an outpatient or other appropriate basis pursuant to section 229.14, subsection 1, paragraph “c”, and if a psychiatrist licensed pursuant to chapter 148, 150, or 150A personally evaluates the patient on at least an annual basis.

b. An advanced registered nurse practitioner who is not certified as a psychiatric advanced registered nurse practitioner but who meets the qualifications set forth in the definition of a mental health professional in section 228.1 on July 1, 2008, may complete periodic reports pursuant to paragraph “a”.

Approved April 11, 2008

CHAPTER 1083

REGULATION OF GRAIN DEALERS AND WAREHOUSE OPERATORS — GRAIN INDEMNITY FUND ADMINISTRATION

H.F. 2606

AN ACT relating to the regulation of transactions involving grain, by providing for the regulation of grain dealers and warehouse operators, and providing for the administration of the grain indemnity fund.

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

Section 1. Section 203.1, subsection 7, Code Supplement 2007, is amended to read as follows:

7. “Financial institution” means a any of the following:

a. A bank or savings and loan association authorized by the laws of this state, any other state, of Iowa or by the laws of the United States, which is a member of the federal deposit insurance corporation or the federal savings and loan insurance corporation, respectively; or the national.

b. A bank for cooperatives established in the Agricultural Credit Act, Pub. L. No. 100-233 or association chartered by the farm credit system under the federal Farm Credit Act, as amended, 12 U.S.C. ch. 23.

Sec. 2. Section 203.1, Code Supplement 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 14. “Warehouse operator” means the same as defined in section 203C.1.

Sec. 3. Section 203.3, subsection 4, paragraph b, unnumbered paragraph 1, Code 2007, is amended to read as follows:

The grain dealer shall submit, as required by the department, a financial statement that is accompanied by an unqualified opinion based upon an audit performed by a certified public accountant licensed in this state. However, the department may accept a qualification in an