

to an environmentally preferable cleaning policy designed to facilitate the purchase and use of environmentally preferable cleaning and maintenance products for purposes of public school, community college, regents institution, and state building cleaning and maintenance.

b. Each school district, community college, institution under the control of the state board of regents, or state agency utilizing public buildings shall conduct an evaluation and assessment regarding implementation of an environmentally preferable cleaning policy pursuant to this section. On or after July 1, 2012, all state agencies, and all school districts, community colleges, and institutions under the control of the state board of regents which have not opted out of compliance pursuant to paragraph “c”, shall purchase only cleaning and maintenance products identified by the department or that meet nationally recognized standards. School districts, community colleges, institutions under the control of the state board of regents, and state agencies procuring supplies for schools and state buildings may deplete their existing cleaning and maintenance supply stocks and implement the new requirements in the procurement cycle for the following year. This section shall not be interpreted in a manner that prohibits the use of disinfectants, disinfecting cleaners, sanitizers, or any other antimicrobial product regulated by the federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. § 136 et seq., when necessary to protect public health and provided that the use of these products is in accordance with responsible cleaning procedure requirements.

c. A school district, community college, or institution under the control of the state board of regents may, based upon the evaluation and assessment conducted pursuant to paragraph “b”, opt out of compliance with the requirements of this section, upon the affirmative vote of a majority of the members of the board of directors of the school district or a determination by the president of the community college or by the president or administrative officer of the regents institution. A school district, community college, or regents institution opting out of compliance pursuant to this paragraph shall notify the department of education, the state board for community colleges, or the state board of regents, respectively, of this decision.

4. *Information requirements — department internet site.* The department shall provide information on the department’s internet site regarding environmentally preferable cleaning and maintenance products used by the department. The department may also provide information regarding other cleaning and maintenance products that the department is aware of that meet nationally recognized standards. Information shall also be provided, at the discretion of the department, regarding the nationally recognized standards and the entity establishing the standards.

Approved April 23, 2010

CHAPTER 1163

PUBLIC HEALTH REGULATION — MISCELLANEOUS CHANGES

H.F. 2284

AN ACT relating to various activities regulated and programs administered by the department of public health, including fetal death certification, and optometry, cosmetology, and barbering licensure.

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

Section 1. Section 144.31, Code 2009, is amended to read as follows:

144.31 Medical certification — fetal death.

1. The medical certification for a fetal death shall be completed within ~~twenty-four~~ seventy-two hours after delivery by the physician in attendance at or after delivery except when inquiry is required by the county medical examiner.

2. When a fetal death occurs without medical attendance upon the mother at or after delivery or when inquiry is required by the county medical examiner, the medical examiner shall investigate the cause of fetal death and shall complete the medical certification within ~~twenty-four~~ seventy-two hours after taking charge of the case. The person completing the medical certification of cause of fetal death shall attest to its accuracy either by signature or as authorized by rule.

Sec. 2. Section 148.3, subsection 1, paragraph a, unnumbered paragraph 1, Code Supplement 2009, is amended to read as follows:

A ~~Evidence of a diploma issued by a medical college or college of osteopathic medicine and surgery approved by the board, or other evidence of equivalent medical education approved by the board. The board may accept, in lieu of a diploma from a medical college approved by the board, all of the following:~~

Sec. 3. Section 154.1, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 5. Beginning July 1, 2012, all licensed optometrists shall meet requirements established by the board by rule to employ diagnostic and therapeutic pharmaceutical agents for the practice of optometry. All licensees practicing optometry in this state shall have demonstrated qualifications and obtained certification to use diagnostic and therapeutic pharmaceutical agents as a condition of license renewal.

Sec. 4. Section 157.1, subsection 5, paragraph c, Code 2009, is amended to read as follows:

c. Removing superfluous hair from the face or body of a person with the use of depilatories, wax, sugars, threading, or tweezing.

Sec. 5. Section 157.1, subsection 12, paragraph c, Code 2009, is amended to read as follows:

c. Removing superfluous hair from the body of a person by the use of depilatories, waxing, sugaring, tweezers, threading, or use of any certified laser products or intense pulsed light devices. This excludes the practice of electrolysis, whereby hair is removed with an electric needle.

Sec. 6. Section 157.8, subsection 2, Code 2009, is amended to read as follows:

2. a. The number of instructors for each school shall be based upon total enrollment, with a minimum of two licensed instructors employed on a full-time basis for up to thirty students and an additional licensed instructor for each fifteen additional students. A student instructor shall not be used to meet licensed instructor-to-student ratios. However, a A school operated by an area community college prior to September 1, 1982, with only one instructor per fifteen students is not subject to this paragraph and may continue to operate with the ratio of one licensed instructor to fifteen students. A student instructor may not be used to meet this requirement.

b. A school with less than thirty students enrolled may have one licensed instructor on site in the school if offering only clinic services or only theory instruction in a single classroom and less than fifteen students are present. If a school is offering clinic services and theory instruction simultaneously to less than fifteen students, at least two licensed instructors must be on site. Schools with more than thirty students enrolled shall meet the licensed instructor-to-student ratio as provided in paragraph "a".

~~a. c.~~ A person employed as an instructor in the cosmetology arts and sciences by a licensed school shall be licensed in the practice and shall possess a separate instructor's license which shall be renewed biennially. An instructor shall file an application with the department on forms prescribed by the board. ~~Prior to licensure, an applicant for an instructor's license shall have been actively engaged in the practice for a period of two years and complete a course of study required by the board or an instructor's course at a school for cosmetology arts and sciences, and meet any other requirement established by the board. Requirements for licensure as an instructor shall be determined by the board by rule.~~

~~b. d.~~ The application for an instructor's license shall be accompanied by the biennial fee determined pursuant to section 147.80.

Sec. 7. Section 158.4, subsection 2, Code 2009, is amended to read as follows:

2. The department may issue a temporary permit ~~for the purpose of demonstrating barbering upon recommendation of the board which allows the applicant to practice barbering for purposes determined by rule.~~ The board shall determine and state its recommendations and the length of time the temporary permit issued under this subsection is valid.

Sec. 8. REPEAL. Section 152B.13, Code Supplement 2009, is repealed.

Approved April 23, 2010

CHAPTER 1164

MOWING ON ROAD AND HIGHWAY MEDIANS AND RIGHTS-OF-WAY

H.F. 2458

AN ACT relating to restrictions on mowing within the right-of-way of interstates, primary highways, and secondary roads.

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

Section 1. Section 314.17, Code 2009, is amended to read as follows:

314.17 Mowing on interstates, and primary highways, and secondary roads.

~~On or after January 1, 2003, the department shall not mow~~ Mowing roadside vegetation on the rights-of-way or medians on any primary or highway, interstate highway. ~~Mowing shall be permitted as follows, or secondary road prior to July 15 is prohibited, except as follows:~~

1. ~~On rights-of-way which include drainage ditch areas.~~ Within two hundred yards of an inhabited dwelling.
2. On rights-of-way within ~~three miles~~ one mile of the corporate limits of a city.
3. To promote native species of vegetation or other long-lived and adaptable vegetation.
4. ~~For establishing~~ To establish control of damaging insect populations, noxious weeds, and ~~invader~~ invasive plant species.
5. For visibility and safety reasons.
6. Within rest areas, weigh stations, and wayside parks.¹

Sec. 2. Section 317.11, Code 2009, is amended to read as follows:

317.11 Weeds on roads — harvesting of grass.

1. The county boards of supervisors and the state department of transportation shall control noxious weeds growing on the roads under their jurisdiction. Spraying for control of noxious weeds shall be limited to those circumstances when it is not practical to mow or otherwise control the noxious weeds.

2. Nothing under this chapter shall prevent the landowner from harvesting, in proper season on or after July 15, the grass grown on the road along the landowner's land except for vegetation maintained for highway purposes as part of an integrated roadside vegetation management plan which is consistent with the objectives in section 314.22.

Sec. 3. Section 317.19, Code 2009, is amended to read as follows:

317.19 Road clearing appropriation.

1. The board of supervisors may appropriate moneys to be used for the purposes of cutting, burning, or otherwise controlling weeds or brush within the right-of-way of roads under county jurisdiction ~~in time to prevent reseeding or~~ in a manner consistent with the county's roadside vegetation management plan, if the county has adopted such a plan, or in time

¹ See chapter 1193, §121 herein