

Reprinted 4/18

FILED APR 6 1979

SENATE FILE 487

By COMMITTEE ON APPROPRIATIONS

Passed Senate, Date 4-11-75 (A. 1128) Passed House, Date _____

Vote: Ayes 50 Nays 0 Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act appropriating funds to state agencies for designated
2 service programs including health programs, civil rights,
3 parole services and programs for minority, elderly and
4 disadvantaged persons.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. There is appropriated from the general fund
 2 of the state to the commission on aging for each fiscal year
 3 of the fiscal biennium beginning July 1, 1979 and ending June
 4 30, 1981, the following amounts, or so much thereof as may
 5 be necessary, to be used for the purposes designated:

6		1979-1980	1980-1981
7		<u>Fiscal Year</u>	<u>Fiscal Year</u>

8	1. For salaries and		
9	support of not more than		
10	twenty-six point twenty-		
11	five full-time equivalent		
12	positions annually, main-		
13	tenance and miscellaneous		
14	purposes	\$ 171,051	\$ 167,900
15	2. For the adminis-		
16	tration of area agencies		
17	on aging	\$ 110,420	\$ 117,600
18	3. For the senior		
19	citizen employment pro-		
20	gram	\$ 108,000	\$ 108,000
21	4. For grants to as-		
22	sist the development of		
23	senior centers in the		
24	state	\$ 158,000	\$ 158,000

25 Sec. 2. There is appropriated from the general fund of
 26 the state for each fiscal year of the fiscal biennium beginning
 27 July 1, 1979 and ending June 30, 1981 the following amounts,
 28 or so much thereof as may be necessary, to be used by the
 29 following agencies for the purposes designated:

30		1979-1980	1980-1981
31		<u>Fiscal Year</u>	<u>Fiscal Year</u>

32 1. IOWA STATE CIVIL
 33 RIGHTS COMMISSION
 34 For salaries and sup-
 35 port of not more than

1 thirty-five full-time
 2 equivalent positions an-
 3 nually, maintenance and
 4 miscellaneous purposes \$ 540,463 \$ 540,943

5 2. COMMITTEE ON THE
 6 EMPLOYMENT OF THE HANDI-
 7 CAPPED

8 For salaries and sup-
 9 port of not more than
 10 five full-time equiva-
 11 lent positions annually,
 12 maintenance and miscel-
 13 laneous purposes \$ 106,839 \$ 105,079

14 3. BOARD OF PAROLE

15 For salaries and sup-
 16 port of not more than
 17 fifteen full-time equiv-
 18 alent positions annually,
 19 maintenance and miscel-
 20 laneous purposes \$ 270,736 \$ 267,243

21 4. COMMISSION ON THE
 22 STATUS OF WOMEN

23 For salaries and sup-
 24 port of not more than
 25 three full-time equiva-
 26 lent positions annually,
 27 maintenance and miscel-
 28 laneous purposes \$ 76,100 \$ 76,570

29 Sec. 3. There is appropriated from the general fund of
 30 the state for each fiscal year of the fiscal biennium beginning
 31 July 1, 1979 and ending June 30, 1981 the following amounts,
 32 or so much thereof as may be necessary, to be used by the
 33 following agencies for the purposes designated:

34	1979-1980	1980-1981
35	<u>Fiscal Year</u>	<u>Fiscal Year</u>

1 1. BOARD OF MEDICAL
2 EXAMINERS
3 For salaries and sup-
4 port of not more than
5 seven full-time equiva-
6 lent positions annually,
7 maintenance and miscel-
8 laneous purposes \$ 198,411 \$ 193,442
9 2. BOARD OF NURSE
10 EXAMINERS
11 For salaries and sup-
12 port of not more than
13 thirteen point twenty-
14 five full-time equiva-
15 lent positions annually,
16 maintenance and miscel-
17 laneous purposes \$ 371,421 \$ 370,991
18 3. BOARD OF PHARMACY
19 EXAMINERS
20 For salaries and sup-
21 port of not more than
22 eight point five full-
23 time equivalent posi-
24 tions annually, main-
25 tenance and miscella-
26 neous purposes \$ 247,000 \$ 247,000
27 4. IOWA MENTAL HEALTH
28 AUTHORITY.
29 For salaries and sup-
30 port of not more than
31 eight point five full-
32 time equivalent posi-
33 tions annually, main-
34 tenance and miscella-
35 neous purposes \$ 136,081 \$ 148,084

1 5. MENTAL HEALTH

2 ADVISORY COUNCIL

3 For salaries and sup-
4 port of not more than
5 three full-time equiva-
6 lent positions annually,
7 maintenance and miscel-
8 laneous purposes \$ 64,269 \$

9 Sec. 4. There is appropriated from the general fund of
10 the state to the state department of health for each fiscal
11 year of the fiscal biennium beginning July 1, 1979 and ending
12 June 30, 1981, the following amounts, or so much thereof as
13 may be necessary, to be used for the purposes designated:

14		1979-1980	1980-1981
15		<u>Fiscal Year</u>	<u>Fiscal Year</u>

16 1. CENTRAL ADMINIS-
17 TRATION

18 a. Central adminis-
19 tration.

20 For salaries and sup-
21 port of not more than
22 three full-time equiva-
23 lent positions annually,
24 maintenance and miscel-
25 laneous purposes \$ 73,503 \$ 72,128

26 b. Management and bud-
27 get division.

28 For salaries and sup-
29 port of not more than
30 twenty-eight point twenty-
31 five full-time equivalent
32 positions annually, main-
33 tenance and miscellaneous
34 purposes \$ 262,185 \$ 256,562

35 c. External affairs

1 division.
 2 For salaries and sup-
 3 port of not more than
 4 nine full-time equiva-
 5 lent positions annually,
 6 maintenance and miscel-
 7 laneous purposes \$ 89,809 \$ 89,815

8 2. HEALTH FACILITIES
 9 DIVISION

10 a. Health facilities
 11 service.
 12 For salaries and sup-
 13 port of not more than
 14 sixty-eight point four
 15 full-time equivalent
 16 positions annually,
 17 maintenance and miscel-
 18 laneous purposes \$ 554,102 \$ 548,903

19 b. Health planning
 20 agency.
 21 For salaries and sup-
 22 port of not more than
 23 eleven full-time equiva-
 24 lent positions annually,
 25 maintenance and miscel-
 26 laneous purposes \$ 66,940 \$ 66,407

27 c. Certificate of need.
 28 For salaries and sup-
 29 port of not more than
 30 six full-time equivalent
 31 positions annually, main-
 32 tenance and miscellaneous
 33 purposes \$ 192,108 \$ 190,244

34 3. DISEASE PREVENTION
 35 DIVISION

1 For salaries and sup-
 2 port of not more than
 3 thirty-seven point six
 4 full-time equivalent
 5 positions in the fiscal
 6 year beginning July 1,
 7 1979 and ending June 30,
 8 1980 and not more than
 9 thirty-one point six
 10 full-time equivalent po-
 11 sitions in the fiscal
 12 year beginning July 1,
 13 1980 and ending June
 14 30, 1981, maintenance
 15 and miscellaneous pur-
 16 poses \$ 538,673 \$ 536,095

17 4. RECORDS AND STATIS-
 18 TICAL DIVISION

19 For salaries and sup-
 20 port of not more than
 21 twenty-nine full-time
 22 equivalent positions
 23 annually, maintenance
 24 and miscellaneous pur-
 25 poses \$ 402,698 \$ 400,444

26 5. LICENSING AND CER-
 27 TIFICATION DIVISION

28 For salaries and sup-
 29 port of not more than
 30 seventeen full-time equiv-
 31 alent positions annually,
 32 maintenance and miscel-
 33 laneous purposes \$ 544,584 \$ 549,561

34 6. PERSONAL AND FAMILY
 35 HEALTH SERVICES

1 For salaries and sup-
2 port of not more than
3 sixty full-time equiva-
4 lent positions annually,
5 maintenance and miscel-
6 laneous purposes \$ 872,931 \$ 854,373

7 The position of physical fitness coordinator is not ap-
8 proved by the general assembly. The department may employ
9 a dietary consultant for the women's, infant's and children's
10 program with federal funds. The department shall allocate
11 from funds appropriated by this subsection not less than
12 twenty-eight thousand dollars for each fiscal year for the
13 perinatal program.

14 7. COMMUNITY HEALTH
15 SERVICES

16 a. Community health
17 division.

18 For salaries and sup-
19 port of not more than
20 forty-two full-time
21 equivalent positions
22 annually, maintenance
23 and miscellaneous pur-
24 poses \$ 982,111 \$ 1,015,376

25 b. Rape investiga-
26 tions.

27 For medical procedures
28 required by section seven
29 hundred nine point ten
30 (709.10) of the Code \$ 45,000 \$ 45,000

31 c. Sudden infant
32 death syndrome.

33 For reimbursing
34 counties for expenses
35 resulting from autopsies

1 of suspected victims of
 2 sudden infant death syn-
 3 drome required under
 4 section three hundred
 5 thirty-nine point seven
 6 (339.7) of the Code \$ 28,000 \$ 28,000

7 d. In-home health
 8 care grants.
 9 For grants to local
 10 boards of health for
 11 programs to maintain
 12 or expand the avail-
 13 ability of in-home
 14 health care to elderly
 15 persons in the state
 16 in accordance with
 17 section five (5) of
 18 this Act \$ 2,765,960 \$ 3,015,960

19 e. Well-elderly
 20 clinic grants.
 21 For the development
 22 and maintenance of well-
 23 elderly clinics in the
 24 state \$ 212,000 \$ 212,000

25 Sec. 5.

26 1. Funds appropriated by section four (4), subsection
 27 seven (7), paragraph d of this Act shall be used to maintain
 28 and expand existing in-home health care services for elderly
 29 persons with the objective of preventing or reducing the
 30 inappropriate institutionalization of elderly persons.

31 2. As used in this section and section four (4), sub-
 32 section seven (7), paragraph d of this Act, "elderly person"
 33 means a person who is sixty years of age or older.

34 3. The state department of health may retain not more
 35 than one percent of the amount appropriated by paragraph d

1 of subsection seven (7) of section four (4) of this Act, to
2 be used to pay the costs of administering the in-home health
3 care program. The remainder of the amount appropriated shall
4 be allocated for use in the several counties of the state
5 as follows:

6 a. One-fourth of the total amount to be allocated shall
7 be divided so that an equal amount is available for use in
8 each county in the state.

9 b. Three-fourths of the total amount to be allocated shall
10 be divided so that the share available for use in each county
11 is proportionate to the number of elderly persons living in
12 that county in relation to the total number of elderly persons
13 living in the state.

14 4. The state department of health shall make the money
15 allocated for use in each county under subsection three (3)
16 of this section available to be expended in that county as
17 provided in this subsection. The local board of health having
18 jurisdiction, after consultation with other in-home health
19 care provider agencies in the jurisdiction, shall prepare
20 a proposal for the use of the funds available for that
21 jurisdiction that will provide the maximum benefits of expanded
22 home health care to elderly persons in the jurisdiction, and
23 that shall include a statement assuring that the appropriate
24 local agencies have participated in the formulation of the
25 proposal. After approval of the proposal by the department,
26 the department shall enter into a contract with the local
27 board of health. The local board of health may subcontract
28 with a nonprofit nurses' association, an independent nonprofit
29 agency, the department of social services or a suitable local
30 governmental or nongovernmental body to use the funds to
31 expand or maintain in-home health services. Local boards
32 of health shall make an effort to subcontract with agencies
33 that are currently providing services to prevent duplication
34 of services.

35 5. If by July thirtieth of each year of the biennium the

1 department is unable to conclude contracts for use of the
2 funds allocated under this section in a county, the department
3 shall consider the unused funds an unallocated pool. The
4 department shall prior to December thirty-first of each fiscal
5 year of the biennium reallocate the funds in the unallocated
6 pool among the counties in which the department has concluded
7 contracts under this section. The reallocation shall be made
8 in substantially the manner prescribed by subsection three
9 (3) of this section, and the funds are available for use in
10 the counties to which they are reallocated during the period
11 beginning January first and ending June thirtieth of each
12 fiscal year of the biennium.

13 6. The state department of health shall promulgate rules
14 not contrary to this section defining eligibility for in-home
15 health care services paid for from funds appropriated by this
16 section. The rules shall impose a sliding fee scale for those
17 persons deemed able to pay all or a portion of the cost of
18 the services.

19 7. The state department of health shall annually evaluate
20 the success of the in-home health care grant program. The
21 evaluation shall include the following program effects:

22 a. The extent to which the program reduced or prevented
23 the inappropriate institutionalization of elderly persons.

24 b. The extent to which the program increased the avail-
25 ability of in-home health care to elderly persons.

26 c. The extent of in-home health care provided to elderly
27 persons.

28 The department shall submit a report on each annual
29 evaluation to the governor and the general assembly.

30 Sec. 6. There is appropriated from the general fund of
31 the state to the Iowa department of veteran's affairs for
32 each fiscal year of the fiscal biennium beginning July 1,
33 1979 and ending June 30, 1981 the following amounts, or so
34 much thereof as is necessary, to be used for the purposes
35 designated:

	1979-1980	1980-1981
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1		
2		
3 1. For salaries and		
4 support of not more than		
5 five full-time equiv-		
6 alent positions annually,		
7 maintenance and miscel-		
8 laneous purposes	\$ 105,182	\$ 105,279
9 2. For the war or-		
10 phans educational aid		
11 fund	\$ 35,000	\$ 35,000

12 Sec. 7. There is appropriated from the general fund of
 13 the state to the Spanish-speaking people's commission for
 14 the fiscal year beginning July 1, 1979 and ending June 30,
 15 1980 the sum of forty-five thousand seven hundred fifteen
 16 (45,715) dollars or so much thereof as may be necessary for
 17 salaries and support of not more than two full-time equivalent
 18 positions, maintenance and miscellaneous purposes.

19 Sec. 8. Notwithstanding section seven (7) of chapter one
 20 thousand five (1005), Acts of the Sixty-seventh General As-
 21 sembly, 1978 Session, funds appropriated by subsection eight
 22 (8) of that section to the Spanish-American war veterans may
 23 be expended after June 30, 1979 and until October 31, 1979
 24 and unobligated or unencumbered balances remaining on October
 25 31, 1979 shall revert to the general fund on January 31, 1980
 26 notwithstanding section eight point thirty-three (8.33) of
 27 the Code.

28 Sec. 9. Section sixteen point eight (16.8), Code 1979,
 29 is amended to read as follows:

30 16.8 COMMISSION TERMINATION. Without affirmative action
 31 by the general assembly before June 30, 1980, the Spanish-
 32 speaking people's commission shall expire on June 30, ~~1979~~
 33 1981.

34 Sec. 10. Section one hundred fifty-seven point seven
 35 (157.7), Code 1979, is amended to read as follows:

1 157.7 INSPECTORS. ~~inspectors~~ The department shall employ
2 inspectors and clerical assistants shall-be-employed-by-the
3 department under the-provisions-of chapter 19A to administer
4 and enforce ~~the-provisions-of~~ this chapter. The department
5 shall, when possible, integrate inspection efforts under this
6 chapter with inspections conducted under chapter one hundred
7 fifty-eight (158) of the Code. The costs and expenses of
8 inspectors and clerical assistants shall be paid from funds
9 appropriated to the board.

10 Sec. 11. Section one hundred fifty-eight point six (158.6),
11 Code 1979, is amended to read as follows:

12 158.6 INSPECTORS. ~~inspectors~~ The department shall em-
13 ploy inspectors and clerical assistants shall-be-employed
14 by-the-department under the-provisions-of chapter 19A to
15 administer and enforce ~~the-provisions-of~~ this chapter. The
16 department shall, when possible, integrate inspection efforts
17 under this chapter with inspections conducted under chapter
18 one hundred fifty-seven (157) of the Code. The costs and
19 expenses of inspectors and clerical assistants shall be paid
20 from funds appropriated to the board.

21 Sec. 12. Acts of the Sixty-seventh General Assembly, 1978
22 Session, chapter one thousand five (1005), section three (3),
23 subsection one (1), is amended to read as follows:

24 1. There is appropriated from the general fund of the
25 state for the fiscal year beginning July 1, 1978 and ending
26 June 30, 1979 to the department of health the sum of two
27 million two hundred twenty-eight thousand (2,228,000) dol-
28 lars or so much thereof as may be necessary to be used to
29 extend availability of public health nursing services or
30 visiting nurse services and home health aide services to
31 elderly persons in this state. Notwithstanding section eight
32 point thirty-three (8.33) of the Code unencumbered or unobli-
33 gated funds remaining on June 30, 1979 from the amount appro-
34 priated by this subsection shall not revert to the general
35 fund of the state, but shall be transferred by the department

1 of health to the unallocated pool created for the 1979-1980
2 fiscal year under subsection five (5) of section five (5)
3 of this Act and used as provided in that subsection.

4 Sec. 13. All federal grants to and federal receipts of
5 the agencies appropriated funds under this Act are appropriated
6 for the purposes set forth in the federal grants or receipts.
7 Full-time equivalent positions funded entirely with federal
8 funds are exempt from the limits on the number of full-time
9 equivalent positions provided in this Act but are approved
10 only for the period of time for which the federal funds are
11 available for the position.

12 EXPLANATION

13 Section one of the bill appropriates \$389,471 from the
14 general fund for fiscal year 1980 and \$393,560 for fiscal
15 year 1981 to fund the commission on aging, administration
16 of area agencies on aging, and the senior citizen employ-
17 ment program. Also, \$158,000 is appropriated for each fiscal
18 year for grants for developing senior centers. This is a
19 decrease of \$139,847 and \$135,758 each fiscal year respectively
20 from fiscal year 1979 appropriations. Section two of the
21 bill appropriates \$540,463 from the general fund for fiscal
22 year 1980 and \$540,943 for fiscal year 1981 for the civil
23 rights commission; \$106,839 for fiscal year 1980 and \$105,079
24 for fiscal year 1981 to the committee on employment of the
25 handicapped; \$270,736 for fiscal year 1980 and \$267,243 for
26 fiscal year 1981 to the board of parole; and \$76,100 for
27 fiscal year 1980 and \$76,570 for fiscal year 1981 to the
28 commission on the status of women. This is an increase of
29 \$92,717 and \$88,414 for each fiscal year respectively from
30 the fiscal year 1979 appropriations to these agencies. Section
31 three of the bill appropriates \$198,411 for fiscal year 1980
32 and \$193,442 for fiscal year 1981 to the board of medical
33 examiners; \$371,421 for fiscal year 1980 and \$370,991 for
34 fiscal year 1981 to the board of nurse examiners; \$247,000
35 for fiscal year 1980 and \$247,000 for fiscal year 1981 to

1 the board of pharmacy examiners; and \$136,081 for fiscal year
2 1980 and \$148,084 for fiscal year 1981 to the Iowa mental
3 health authority. This is an increase of \$114,726 and \$121,330
4 each fiscal year respectively over fiscal year 1979
5 appropriations to these agencies. The section appropriates
6 for a new agency, the mental health advisory council \$64,269
7 for the 1980 fiscal year only. Section four of the bill
8 appropriates \$7,630,604 from the general fund for fiscal year
9 1980 and \$7,880,868 for fiscal year 1981 to the department
10 of health to fund the various programs of the department which
11 are: commissioner's office, health facilities services,
12 disease prevention, records and statistical division, licensing
13 and certification, personal and family health division,
14 community health services, external affairs division,
15 management and budget division, health planning, certificate
16 of need, in-home health care grants, and well-elderly clinic
17 grants. These appropriations are an increase of \$1,048,519
18 for fiscal year 1980 and \$1,298,783 for fiscal year 1981
19 compared to fiscal year 1979 appropriations to the department.
20 Funds are provided to expand deaf interpreter services,
21 establish the radiation safety program and expand in-home
22 health care. Section five defines the purpose of the program
23 of in-home health care grants funded in section four and
24 defines the term "elderly person". It also prescribes methods
25 for allocating funds to counties and for planning and
26 implementing the program. It requires the department to adopt
27 rules for and evaluate the success of the program. Section
28 six appropriates \$140,182 for fiscal year 1980 and \$140,279
29 for fiscal year 1981 to the department of veterans affair's
30 to fund general office operations and war orphan's educational
31 fund. Section eight extends the reversion of funds
32 appropriated for fiscal year 1979 to the Spanish-American
33 war veterans to October 31, 1979. Section nine extends the
34 termination date for the Spanish-speaking people's commission
35 to June 30, 1981 and section seven appropriates \$45,715 to

1 the commission for the fiscal year 1980. Sections ten and
2 eleven make changes to chapters 157 and 158 of the Code
3 relating to barbers and cosmetologists, that require a joint
4 inspection program, when possible. Section twelve provides
5 for the continued use of fiscal year 1979 funds for public
6 health nursing in fiscal year 1980 through the unallocated
7 pool described in section five. Section thirteen appropriates
8 federal grants to and receipts of the departments in the bill
9 and limits approval of one hundred percent federally funded
10 positions to the duration of the federal funds.

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SENATE FILE 487

S-3478

- 1 Amend Senate File 487 as follows:
- 2 1. Page 7, by striking line 6 and inserting
- 3 in lieu thereof the following:
- 4 "laneous purposes..... \$ 879,931 \$ 861,373".
- 5 2. Page 7, line 12, by striking the word
- 6 "twenty-eight" and inserting in lieu thereof the
- 7 word "thirty-five".

S-3478 FILED & ADOPTED (p. 1185) BY TOM SLATER
APRIL 11, 1979

SENATE FILE 487

S-3474

- 1 Amend Senate File 487 as follows:
- 2 1. Page 7, line 12, by striking the words
- 3 "twenty-eight thousand" and inserting in lieu
- 4 thereof the words "thirty-five thousand".

S-3474 FILED & WITHDRAWN (p. 1187) BY TOM SLATER
APRIL 11, 1979

SENATE FILE 487

S-3476

- 1 Amend Senate File 487 as follows:
- 2 1. Page 6, by inserting after line 33 the
- 3 following:
- 4 "It is the intent of the general assembly that the
- 5 licensing and certification division prepare estimates
- 6 of projected revenues to be generated by the licensing,
- 7 certification, and examination fees of each board as
- 8 well as a projection of the fairly apportioned admin-
- 9 istrative costs attributable to each board. It is the
- 10 further intent of the general assembly that each board
- 11 annually review and adjust its schedule of fees so
- 12 that, as nearly as possible, projected revenues equal
- 13 projected costs and further that an imbalance in
- 14 revenues and costs in one year shall be offset in a
- 15 subsequent fiscal year."

S-3476 FILED & ADOPTED (p. 1185) BY CHARLES P. MILLER
APRIL 11, 1979

LOWELL L. JUNKINS
GEORGE R. KINLEY

SENATE FILE 487

S-3477

- 1 Amend the Junkins Amendment, S-3450, to
- 2 Senate File 487 as follows:
- 3 1. Page 1, by striking line 13 and inserting
- 4 in lieu thereof the following:
- 5 "purposes.....\$ 56,488".

S-3477 FILED & LOST (p. 1186) BY JULIA GENTLEMAN
APRIL 11, 1979

SENATE FILE 487

S-3430

- 1 Amend Senate File 487 as follows:
- 2 1. Page 1, by striking line 24 and inserting in
- 3 lieu thereof the following:
- 4 "state \$210,000 \$210,000".

S-3430 FILED *Letter 4/11 (p. 1155)* BY WILLIAM D. PALMER
 APRIL 9, 1979 LOWELL L. JUNKINS
 TOM SLATER

SENATE FILE 487

S-3449

- 1 Amend Senate File 487 as follows:
- 2 1. Page 3, line 13, by striking the word "thirteen"
- 3 and inserting in lieu thereof the word "fifteen".
- 4 2. Page 3, by striking line 17 and inserting in
- 5 lieu thereof the following:
- 6 "laneous purposes \$397,294 \$395,326".

S-3449 FILED *Letter 4/11 (p. 1155)* BY LOWELL L. JUNKINS
 APRIL 10, 1979 WILLIAM D. PALMER

SENATE FILE 487

S-3450

- 1 Amend Senate File 487 as follows:
- 2 1. Page 11, by striking lines 14 through 18 and
- 3 inserting in lieu thereof the following: "the following
- 4 fiscal years the following amounts, or so much thereof
- 5 as is necessary, to be used for the purposes
- 6 designated:
- 7
- 8
- 9 For salaries and support
- 10 of not more than three full-
- 11 time equivalent positions,
- 12 maintenance and miscellaneous
- 13 purposes \$ 56,488 \$ 56,488"

S-3450 FILED *Letter 4/11 (p. 1127)* BY LOWELL L. JUNKINS
 APRIL 10, 1979 WILLIAM D. PALMER

How Appropriations 4/18/79 Passed 4/22 (p. 1713)

SENATE FILE 487

By COMMITTEE ON APPROPRIATIONS

(AS AMENDED AND PASSED BY THE SENATE APRIL 11, 1979)

Passed Senate, Date 5-4-79 (p. 1540) Passed House, Date 4-27-79

Vote: Ayes 46 Nays 0 Vote: Ayes 69 Nays 24

Approved June 1, 1979
Repassed House 5-7-79 (p. 2115)
68-26

A BILL FOR

1 An Act appropriating funds to state agencies for designated
2 service programs including health programs, civil rights,
3 parole services and programs for minority, elderly and
4 disadvantaged persons.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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————— = New Language
by the Senate

1 Section 1. There is appropriated from the general fund
2 of the state to the commission on aging for each fiscal year
3 of the fiscal biennium beginning July 1, 1979 and ending June
4 30, 1981, the following amounts, or so much thereof as may
5 be necessary, to be used for the purposes designated:

6 1979-1980 1980-1981
7 Fiscal Year Fiscal Year

8 1. For salaries and
9 support of not more than
10 twenty-six point twenty-
11 five full-time equivalent
12 positions annually, main-
13 tenance and miscellaneous
14 purposes \$ 171,051 \$ 167,900

15 2. For the adminis-
16 tration of area agencies
17 on aging \$ 110,420 \$ 117,600

18 3. For the senior
19 citizen employment pro-
20 gram \$ 108,000 \$ 108,000

21 4. For grants to as-
22 sist the development of
23 senior centers in the
24 state \$ 158,000 \$ 158,000

25 Sec. 2. There is appropriated from the general fund of
26 the state for each fiscal year of the fiscal biennium beginning
27 July 1, 1979 and ending June 30, 1981 the following amounts,
28 or so much thereof as may be necessary, to be used by the
29 following agencies for the purposes designated:

30 1979-1980 1980-1981
31 Fiscal Year Fiscal Year

32 1. IOWA STATE CIVIL
33 RIGHTS COMMISSION
34 For salaries and sup-
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1 thirty-five full-time
 2 equivalent positions an-
 3 nually, maintenance and
 4 miscellaneous purposes \$ 540,463 \$ 540,943

5 2. COMMITTEE ON THE
 6 EMPLOYMENT OF THE HANDI-
 7 CAPPED

8 For salaries and sup-
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 10 five full-time equiva-
 11 lent positions annually,
 12 maintenance and miscel-
 13 laneous purposes \$ 106,839 \$ 105,079

14 3. BOARD OF PAROLE

15 For salaries and sup-
 16 port of not more than
 17 fifteen full-time equiv-
 18 alent positions annually,
 19 maintenance and miscel-
 20 laneous purposes \$ 270,736 \$ 267,243

21 4. COMMISSION ON THE
 22 STATUS OF WOMEN

23 For salaries and sup-
 24 port of not more than
 25 three full-time equiva-
 26 lent positions annually,
 27 maintenance and miscel-
 28 laneous purposes \$ 76,100 \$ 76,570

29 Sec. 3. There is appropriated from the general fund of
 30 the state for each fiscal year of the fiscal biennium beginning
 31 July 1, 1979 and ending June 30, 1981 the following amounts,
 32 or so much thereof as may be necessary, to be used by the
 33 following agencies for the purposes designated:

34		1979-1980	1980-1981
35		<u>Fiscal Year</u>	<u>Fiscal Year</u>

1	1. BOARD OF MEDICAL			
2	EXAMINERS			
3	For salaries and sup-			
4	port of not more than			
5	seven full-time equiva-			
6	lent positions annually,			
7	maintenance and miscel-			
8	laneous purposes	\$ 198,411	\$	193,442
9	2. BOARD OF NURSE			
10	EXAMINERS			
11	For salaries and sup-			
12	port of not more than			
13	thirteen point twenty-			
14	five full-time equiva-			
15	lent positions annually,			
16	maintenance and miscel-			
17	laneous purposes	\$ 371,421	\$	370,991
18	3. BOARD OF PHARMACY			
19	EXAMINERS			
20	For salaries and sup-			
21	port of not more than			
22	eight point five full-			
23	time equivalent posi-			
24	tions annually, main-			
25	tenance and miscella-			
26	neous purposes	\$ 247,000	\$	247,000
27	4. IOWA MENTAL HEALTH			
28	AUTHORITY.			
29	For salaries and sup-			
30	port of not more than			
31	eight point five full-			
32	time equivalent posi-			
33	tions annually, main-			
34	tenance and miscella-			
35	neous purposes	\$ 136,081	\$	148,084

1 5. MENTAL HEALTH
2 ADVISORY COUNCIL

3 For salaries and sup-
4 port of not more than
5 three full-time equiva-
6 lent positions annually,
7 maintenance and miscel-
8 laneous purposes \$ 64,269 \$

9 Sec. 4. There is appropriated from the general fund of
10 the state to the state department of health for each fiscal
11 year of the fiscal biennium beginning July 1, 1979 and ending
12 June 30, 1981, the following amounts, or so much thereof as
13 may be necessary, to be used for the purposes designated:

14		1979-1980	1980-1981
15		<u>Fiscal Year</u>	<u>Fiscal Year</u>

16 1. CENTRAL ADMINIS-
17 TRATION

18 a. Central adminis-
19 tration.

20 For salaries and sup-
21 port of not more than
22 three full-time equiva-
23 lent positions annually,
24 maintenance and miscel-
25 laneous purposes \$ 73,503 \$ 72,128

26 b. Management and bud-
27 get division.

28 For salaries and sup-
29 port of not more than
30 twenty-eight point twenty-
31 five full-time equivalent
32 positions annually, main-
33 tenance and miscellaneous
34 purposes \$ 262,185 \$ 256,562

35 c. External affairs

1 division.
2 For salaries and sup-
3 port of not more than
4 nine full-time equiva-
5 lent positions annually,
6 maintenance and miscel-
7 laneous purposes \$ 89,809 \$ 89,815
8 2. HEALTH FACILITIES
9 DIVISION
10 a. Health facilities
11 service.
12 For salaries and sup-
13 port of not more than
14 sixty-eight point four
15 full-time equivalent
16 positions annually,
17 maintenance and miscel-
18 laneous purposes \$ 554,102 \$ 548,903
19 b. Health planning
20 agency.
21 For salaries and sup-
22 port of not more than
23 eleven full-time equiva-
24 lent positions annually,
25 maintenance and miscel-
26 laneous purposes \$ 66,940 \$ 66,407
27 c. Certificate of need.
28 For salaries and sup-
29 port of not more than
30 six full-time equivalent
31 positions annually, main-
32 tenance and miscellaneous
33 purposes \$ 192,108 \$ 190,244
34 3. DISEASE PREVENTION
35 DIVISION

1 For salaries and sup-
 2 port of not more than
 3 thirty-seven point six
 4 full-time equivalent
 5 positions in the fiscal
 6 year beginning July 1,
 7 1979 and ending June 30,
 8 1980 and not more than
 9 thirty-one point six
 10 full-time equivalent po-
 11 sitions in the fiscal
 12 year beginning July 1,
 13 1980 and ending June
 14 30, 1981, maintenance
 15 and miscellaneous pur-
 16 poses \$ 538,673 \$ 536,095

17 4. RECORDS AND STATIS-
 18 TICAL DIVISION

19 For salaries and sup-
 20 port of not more than
 21 twenty-nine full-time
 22 equivalent positions
 23 annually, maintenance
 24 and miscellaneous pur-
 25 poses \$ 402,698 \$ 400,444

26 5. LICENSING AND CER-
 27 TIFICATION DIVISION

28 For salaries and sup-
 29 port of not more than
 30 seventeen full-time equiv-
 31 alent positions annually,
 32 maintenance and miscel-
 33 laneous purposes \$ 544,584 \$ 549,561

34 It is the intent of the general assembly that the
 35 licensing and certification division prepare estimates

1 of projected revenues to be generated by the licensing,
2 certification and examination fees of each board as
3 well as a projection of the fairly apportioned admin-
4 istrative costs attributable to each board. It is the
5 further intent of the general assembly that each board
6 annually review and adjust its schedule of fees so
7 that, as nearly as possible, projected revenues equal
8 projected costs and further that an imbalance in
9 revenues and costs in one year shall be offset in a
10 subsequent fiscal year.

11 6. PERSONAL AND FAMILY
12 HEALTH SERVICES

13 For salaries and sup-
14 port of not more than
15 sixty full-time equiva-
16 lent positions annually,
17 maintenance and miscel-
18 laneous purposes \$ 879,931 \$ 861,373

19 The position of physical fitness coordinator is not ap-
20 proved by the general assembly. The department may employ
21 a dietary consultant for the women's, infant's and children's
22 program with federal funds. The department shall allocate
23 from funds appropriated by this subsection not less than
24 thirty-five thousand dollars for each fiscal year for the
25 perinatal program.

26 7. COMMUNITY HEALTH
27 SERVICES

28 a. Community health
29 division.

30 For salaries and sup-
31 port of not more than
32 forty-two full-time
33 equivalent positions
34 annually, maintenance
35 and miscellaneous pur-

1 poses \$ 982,111 \$ 1,015,376
2 b. Rape investiga-
3 tions.
4 For medical procedures
5 required by section seven
6 hundred nine point ten
7 (709.10) of the Code \$ 45,000 \$ 45,000
8 c. Sudden infant
9 death syndrome.
10 For reimbursing
11 counties for expenses
12 resulting from autopsies
13 of suspected victims of
14 sudden infant death syn-
15 drome required under
16 section three hundred
17 thirty-nine point seven
18 (339.7) of the Code \$ 28,000 \$ 28,000
19 d. In-home health
20 care grants.
21 For grants to local
22 boards of health for
23 programs to maintain
24 or expand the avail-
25 ability of in-home
26 health care to elderly
27 persons in the state
28 in accordance with
29 section five (5) of
30 this Act \$ 2,765,960 \$ 3,015,960
31 e. Well-elderly
32 clinic grants.
33 For the development
34 and maintenance of well-
35 elderly clinics in the

1 state \$ 212,000 \$ 212,000

2 Sec. 5.

3 1. Funds appropriated by section four (4), subsection
4 seven (7), paragraph d of this Act shall be used to maintain
5 and expand existing in-home health care services for elderly
6 persons with the objective of preventing or reducing the
7 inappropriate institutionalization of elderly persons.

8 2. As used in this section and section four (4), sub-
9 section seven (7), paragraph d of this Act, "elderly person"
10 means a person who is sixty years of age or older.

11 3. The state department of health may retain not more
12 than one percent of the amount appropriated by paragraph d
13 of subsection seven (7) of section four (4) of this Act, to
14 be used to pay the costs of administering the in-home health
15 care program. The remainder of the amount appropriated shall
16 be allocated for use in the several counties of the state
17 as follows:

18 a. One-fourth of the total amount to be allocated shall
19 be divided so that an equal amount is available for use in
20 each county in the state.

21 b. Three-fourths of the total amount to be allocated shall
22 be divided so that the share available for use in each county
23 is proportionate to the number of elderly persons living in
24 that county in relation to the total number of elderly persons
25 living in the state.

26 4. The state department of health shall make the money
27 allocated for use in each county under subsection three (3)
28 of this section available to be expended in that county as
29 provided in this subsection. The local board of health having
30 jurisdiction, after consultation with other in-home health
31 care provider agencies in the jurisdiction, shall prepare
32 a proposal for the use of the funds available for that
33 jurisdiction that will provide the maximum benefits of expanded
34 home health care to elderly persons in the jurisdiction, and
35 that shall include a statement assuring that the appropriate

1 local agencies have participated in the formulation of the
2 proposal. After approval of the proposal by the department,
3 the department shall enter into a contract with the local
4 board of health. The local board of health may subcontract
5 with a nonprofit nurses' association, an independent nonprofit
6 agency, the department of social services or a suitable local
7 governmental or nongovernmental body to use the funds to
8 expand or maintain in-home health services. Local boards
9 of health shall make an effort to subcontract with agencies
10 that are currently providing services to prevent duplication
11 of services.

12 5. If by July thirtieth of each year of the biennium the
13 department is unable to conclude contracts for use of the
14 funds allocated under this section in a county, the department
15 shall consider the unused funds an unallocated pool. The
16 department shall prior to December thirty-first of each fiscal
17 year of the biennium reallocate the funds in the unallocated
18 pool among the counties in which the department has concluded
19 contracts under this section. The reallocation shall be made
20 in substantially the manner prescribed by subsection three
21 (3) of this section, and the funds are available for use in
22 the counties to which they are reallocated during the period
23 beginning January first and ending June thirtieth of each
24 fiscal year of the biennium.

25 6. The state department of health shall promulgate rules
26 not contrary to this section defining eligibility for in-home
27 health care services paid for from funds appropriated by this
28 section. The rules shall impose a sliding fee scale for those
29 persons deemed able to pay all or a portion of the cost of
30 the services.

31 7. The state department of health shall annually evaluate
32 the success of the in-home health care grant program. The
33 evaluation shall include the following program effects:

34 a. The extent to which the program reduced or prevented
35 the inappropriate institutionalization of elderly persons.

1 b. The extent to which the program increased the avail-
2 ability of in-home health care to elderly persons.

3 c. The extent of in-home health care provided to elderly
4 persons.

5 The department shall submit a report on each annual
6 evaluation to the governor and the general assembly.

7 Sec. 6. There is appropriated from the general fund of
8 the state to the Iowa department of veteran's affairs for
9 each fiscal year of the fiscal biennium beginning July 1,
10 1979 and ending June 30, 1981 the following amounts, or so
11 much thereof as is necessary, to be used for the purposes
12 designated:

	1979-1980	1980-1981
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
15 1. For salaries and		
16 support of not more than		
17 five full-time equiv-		
18 alent positions annually,		
19 maintenance and miscel-		
20 laneous purposes	\$ 105,182	\$ 105,279
21 2. For the war or-		
22 phans educational aid		
23 fund	\$ 35,000	\$ 35,000

24 Sec. 7. There is appropriated from the general fund of
25 the state to the Spanish-speaking people's commission for
26 the fiscal year beginning July 1, 1979 and ending June 30,
27 1980 the sum of forty-five thousand seven hundred fifteen
28 (45,715) dollars or so much thereof as may be necessary for
29 salaries and support of not more than two full-time equivalent
30 positions, maintenance and miscellaneous purposes.

31 Sec. 8. Notwithstanding section seven (7) of chapter one
32 thousand five (1005), Acts of the Sixty-seventh General As-
33 sembly, 1978 Session, funds appropriated by subsection eight
34 (8) of that section to the Spanish-American war veterans may
35 be expended after June 30, 1979 and until October 31, 1979

1 and unobligated or unencumbered balances remaining on October
2 31, 1979 shall revert to the general fund on January 31, 1980
3 notwithstanding section eight point thirty-three (8.33) of
4 the Code.

5 Sec. 9. Section sixteen point eight (16.8), Code 1979,
6 is amended to read as follows:

7 16.8 COMMISSION TERMINATION. Without affirmative action
8 by the general assembly before June 30, 1980, the Spanish-
9 speaking people's commission shall expire on June 30, ~~1979~~
10 1981.

11 Sec. 10. Section one hundred fifty-seven point seven
12 (157.7), Code 1979, is amended to read as follows:

13 157.7 INSPECTORS. ~~Inspectors~~ The department shall employ
14 inspectors and clerical assistants ~~shall-be-employed-by-the~~
15 ~~department~~ under the-provisions-of chapter 19A to administer
16 and enforce ~~the-provisions-of~~ this chapter. The department
17 shall, when possible, integrate inspection efforts under this
18 chapter with inspections conducted under chapter one hundred
19 fifty-eight (158) of the Code. The costs and expenses of
20 inspectors and clerical assistants shall be paid from funds
21 appropriated to the board.

22 Sec. 11. Section one hundred fifty-eight point six (158.6),
23 Code 1979, is amended to read as follows:

24 158.6 INSPECTORS. ~~Inspectors~~ The department shall em-
25 ploy inspectors and clerical assistants ~~shall-be-employed~~
26 ~~by-the-department~~ under the-provisions-of chapter 19A to
27 administer and enforce ~~the-provisions-of~~ this chapter. The
28 department shall, when possible, integrate inspection efforts
29 under this chapter with inspections conducted under chapter
30 one hundred fifty-seven (157) of the Code. The costs and
31 expenses of inspectors and clerical assistants shall be paid
32 from funds appropriated to the board.

33 Sec. 12. Acts of the Sixty-seventh General Assembly, 1976
34 Session, chapter one thousand five (1005), section three (3),
35 subsection one (1), is amended to read as follows:

1 1. There is appropriated from the general fund of the
2 state for the fiscal year beginning July 1, 1978 and ending
3 June 30, 1979 to the department of health the sum of two
4 million two hundred twenty-eight thousand (2,228,000) dol-
5 lars or so much thereof as may be necessary to be used to
6 extend availability of public health nursing services or
7 visiting nurse services and home health aide services to
8 elderly persons in this state. Notwithstanding section eight
9 point thirty-three (8.33) of the Code unencumbered or unobli-
10 gated funds remaining on June 30, 1979 from the amount appro-
11 priated by this subsection shall not revert to the general
12 fund of the state, but shall be transferred by the department
13 of health to the unallocated pool created for the 1979-1980
14 fiscal year under subsection five (5) of section five (5)
15 of this Act and used as provided in that subsection.

16 Sec. 13. All federal grants to and federal receipts of
17 the agencies appropriated funds under this Act are appropriated
18 for the purposes set forth in the federal grants or receipts.
19 Full-time equivalent positions funded entirely with federal
20 funds are exempt from the limits on the number of full-time
21 equivalent positions provided in this Act but are approved
22 only for the period of time for which the federal funds are
23 available for the position.

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SF 487
dd/slc/20

SENATE FILE 487

H-4132

1 Amend Senate File 487, as passed by the Senate
2 and reprinted, as follows:
3 1. Page 1, by striking line 24 and inserting
4 in lieu thereof the following:
5 "state.....\$210,000 \$210,000"

BY CUSACK of Scott
LONERGAN of Boone
ANDERSON of Jasper
MILLER of Buchanan
BYERLY of Polk

H-4132 FILED *Last 4/27/79 (1808)*
APRIL 26, 1979

SENATE FILE 487

H-4131

1 Amend Senate File 487, as passed by the Senate
2 and reprinted, as follows:
3 1. Page 1, by inserting after line 24, the
4 following:
5 "5. For the Older
6 Iowans Model Legislature\$15,690 \$15,690"

BY CUSACK of Scott
LONERGAN of Boone
JOCHUM of Dubuque
HUSAK of Tama
BYERLY of Polk

H-4131 FILED *Last 4/27/79 (1809)*
APRIL 26, 1979

SENATE FILE 487

H-4136

1 Amend Senate File 487, as passed by the Senate
2 and reprinted, as follows:
3 1. Page 3, line 8, by striking the figures
4 "198,411" and "193,442" and inserting in lieu thereof
5 the figures "202,076" and "197,830" respectively.
6 2. Page 3, line 17, by striking the figures
7 "371,421" and "370,991" and inserting in lieu thereof
8 the figures "402,194" and "396,326" respectively.
9 3. Page 3, line 26, by striking the figures
10 "247,000" and "247,000" and inserting in lieu thereof
11 the figures "252,869" and "250,020" respectively.

H-4136 FILED *As B. Last, C. 4/18* BY HUSAK of Tama
APRIL 26, 1979 *4/29/79 (1870)* NORLAND of Worth
KREWSON of Polk

H-4151

1 Amend Senate File 487 as amended, passed and
 2 reprinted by the Senate as follows:
 3 1. Page 5, by striking line 7 and inserting in
 4 lieu thereof the following:
 5 "laneous purposes.....\$80,988 \$80,994".
 6 2. Page 5, by inserting after line 7 the following:
 7 "From the funds
 8 appropriated in para-
 9 graph c of this sub-
 10 section not more than
 11 eight thousand eight
 12 hundred twenty-one
 13 dollars shall be used
 14 in each fiscal year for
 15 the publication of the
 16 magazine Iowa's Health
 17 which shall not be
 18 published more than
 19 twice annually."

BY KIRKENSLAGER of Des Moines DIELEMAN of Marion
 WALTER of Pottawattamie HANSON of Delaware
 TYRRELL of Iowa JOHNSON of Linn
 COREY of Louisa

H-4151 FILED *House 4/27*
 APRIL 27, 1979 *(P. 1879)*

SENATE FILE 487

H-4158

1 Amend amendment H-4151, to Senate File 487 as
 2 amended, passed and reprinted by the Senate as
 3 follows:
 4 1. Page 1, by striking lines 3 through 5.
 5 2. Page 1, by striking lines 10 through 19
 6 and inserting in lieu thereof the following:
 7 "section, no magazine shall be issued which includes
 8 editorial comment on current public issues which
 9 are or may reasonably be expected to be before the
 10 general assembly for determination."

H-4158 FILED *H. Spear 4/26* BY SPEAR of Lee
 APRIL 27, 1979 *(P. 1875)*

SENATE FILE 487

H-4163

1 Amend amendment H-4151, to Senate File 487 as
 2 amended, passed and reprinted by the Senate as
 3 follows:
 4 1. Page 1, line 19, by inserting after the
 5 word "annually" the words "and which shall include
 6 no editorial comment on current public issues
 7 which are or may reasonably be expected to be before
 8 the general assembly for determination."

H-4163 FILED *House 4/26 (1979)* BY SPEAR of Lee
 APRIL 27, 1979

SENATE FILE 487

H-4144

1 Amend Senate File 487, as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 4, by inserting after line 25 the following
4 unnumbered paragraph:

5 "The appropriation contained in paragraph a of
6 this subsection is contingent upon the promulgation
7 by the commissioner of public health of administrative
8 rules permitting and governing the distribution and
9 use of marijuana for medicinal purposes. The
10 commissioner shall cooperate with other state and
11 federal agencies to ensure an adequate supply of
12 marijuana for this purpose. The commissioner shall
13 not authorize the growing of marijuana within the
14 state."

15 2. Page 12, by inserting after line 21 the
16 following new sections:

17 "Sec. ____ . Section two hundred four point two
18 hundred four (204.204), subsection four (4), paragraphs
19 j and q, Code 1979, are amended to read as follows:

20 j. Marijuana, except as otherwise provided by
21 rules of the state department of health for medicinal
22 purposes.

23 q. Tetrahydrocannabinols, except as otherwise
24 provided by rules of the state department of health
25 for medicinal purposes.

26 Sec. ____ . Section two hundred four point two
27 hundred four (204.204), Code 1979, is amended by
28 adding the following new subsection:

29 NEW SUBSECTION. This section does not apply to
30 marijuana, tetrahydrocannabinols or chemical
31 derivatives of tetrahydrocannabinol when utilized
32 for medicinal purposes pursuant to rules of the state
33 department of health.

34 Sec. ____ . Section two hundred four point two
35 hundred six (204.206), Code 1979, is amended by adding
36 the following new subsection:

37 NEW SUBSECTION. Marijuana, tetrahydrocannabinol
38 and chemical derivatives of tetrahydrocannabinol shall
39 be deemed to be schedule two (II) substances, but
40 only when used for medicinal purposes pursuant to
41 rules of the state department of health."

42 3. By renumbering sections as necessary pursuant
43 to this amendment.

BY KREWSON of Polk
LURA of Marshall
CLARK of Cerro Gordo
MILLER of Buchanan
HUMMEL of Benton
NORLAND of Worth
SPEAR of Lee
POFFENBERGER of Dallas
ARNOULD of Scott
THOMPSON of Polk
HOWELL of Floyd

HIBBS of Johnson
AVENSON of Fayette
POPE of Polk
CUSACK of Scott
MULLINS of Kossuth
RITSEMA of Sioux
HALL of Linn
EGENES of Story
HANSON of Delaware
KIRKENSLAGER of Des Moines
LARSEN of Wapello

H-4144 FILED
APRIL 27, 1979

H-4144

1 Amend Senate File 487, as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 4, by inserting after line 25 the following
4 unnumbered paragraph:

5 "The appropriation contained in paragraph a of
6 this subsection is contingent upon the promulgation
7 by the commissioner of public health of administrative
8 rules permitting and governing the distribution and
9 use of marijuana for medicinal purposes. The
10 commissioner shall cooperate with other state and
11 federal agencies to ensure an adequate supply of
12 marijuana for this purpose. The commissioner shall
13 not authorize the growing of marijuana within the
14 state."

15 2. Page 12, by inserting after line 21 the
16 following new sections:

17 "Sec. ____ . Section two hundred four point two
18 hundred four (204.204), subsection four (4), paragraphs
19 j and q, Code 1979, are amended to read as follows:

20 j. Marijuana, except as otherwise provided by
21 rules of the state department of health for medicinal
22 purposes.

23 q. Tetrahydrocannabinols, except as otherwise
24 provided by rules of the state department of health
25 for medicinal purposes.

26 Sec. ____ . Section two hundred four point two
27 hundred four (204.204), Code 1979, is amended by
28 adding the following new subsection:

29 NEW SUBSECTION. This section does not apply to
30 marijuana, tetrahydrocannabinols or chemical
31 derivatives of tetrahydrocannabinol when utilized
32 for medicinal purposes pursuant to rules of the state
33 department of health.

34 Sec. ____ . Section two hundred four point two
35 hundred six (204.206), Code 1979, is amended by adding
36 the following new subsection:

37 NEW SUBSECTION. Marijuana, tetrahydrocannabinol
38 and chemical derivatives of tetrahydrocannabinol shall
39 be deemed to be schedule two (II) substances, but
40 only when used for medicinal purposes pursuant to
41 rules of the state department of health."

42 3. By renumbering sections as necessary pursuant
43 to this amendment.

BY KREWSON of Polk	HIBBS of Johnson
LURA of Marshall	AVENSON of Fayette
CLARK of Cerro Gordo	POPE of Polk
MILLER of Buchanan	CUSACK of Scott
HUMMEL of Benton	MULLINS of Kossuth
NORLAND of Worth	RITSEMA of Sioux
SPEAR of Lee	HALL of Linn
POFFENBERGER of Dallas	EGENES of Story
ARNOULD of Scott	HANSON of Delaware
THOMPSON of Polk	KIRKENSLAGER of Des Moines
HOWELL of Floyd	LARSEN of Wapello

APRIL 27, 1979
PAGE SIXTEEN

Page Two (Sponsors cont.)
H-4144

*Revised and germane 4/27 (p. 1872)
Motion to add good order of amendment 2 (p. 1873)
Adopted 4/27 (p. 1874-1877)*

BY ANDERSON of Jasper
CRAWFORD of Story
SHIMANEK of Jones
LORENZEN of Scott
EVANS of Grundy
SHULL of Warren
JAY of Appanoose
WOODS of Polk
BYERLY of Polk
WELLS of Linn
CONNOLLY of Dubuque
BINNEBOESE of Plymouth
GROTH of Buena Vista
LONERGAN of Boone
CONNORS of Polk
WELSH of Dubuque
JOCHUM of Dubuque
PAVICH of Pottawattamie
HORN of Linn
GETTINGS of Wapello
O'KANE of Woodbury
WALTER of Pottawattamie
BINA of Scott
RAPP of Black Hawk
SHERZAN of Polk
HALVORSON of Webster
JESSE of Polk
BRANDT of Black Hawk
DAVITT of Warren
LLOYD-JONES of Johnson
COCHRAN of Webster
BRUNER of Story

SENATE CLIP SHEET

MAY 1, 1979

HOUSE AMENDMENT TO SENATE FILE 487

S-3646

1 Amend Senate File 487, as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 4, by inserting after line 25 the following
4 unnumbered paragraph:

5 "The appropriation contained in paragraph a of
6 this subsection is contingent upon the promulgation
7 by the commissioner of public health of administrative
8 rules permitting and governing the distribution and
9 use of marijuana for medicinal purposes. The
10 commissioner shall cooperate with other state and
11 federal agencies to ensure an adequate supply of
12 marijuana for this purpose. The commissioner shall
13 not authorize the growing of marijuana within the
14 state."

15 2. Page 12, by inserting after line 21 the
16 following new sections:

17 "Sec. _____. Section two hundred four point two
18 hundred four (204.204), subsection four (4), paragraphs
19 j and q, Code 1979, are amended to read as follows:

20 j. Marijuana, except as otherwise provided by
21 rules of the state department of health for medicinal
22 purposes.

23 q. Tetrahydrocannabinols, except as otherwise
24 provided by rules of the state department of health
25 for medicinal purposes.

26 Sec. _____. Section two hundred four point two
27 hundred four (204.204), Code 1979, is amended by
28 adding the following new subsection:

29 NEW SUBSECTION. This section does not apply to
30 marijuana, tetrahydrocannabinols or chemical
31 derivatives of tetrahydrocannabinol when utilized
32 for medicinal purposes pursuant to rules of the state
33 department of health.

34 Sec. _____. Section two hundred four point two
35 hundred six (204.206), Code 1979, is amended by adding
36 the following new subsection:

37 NEW SUBSECTION. Marijuana, tetrahydrocannabinol
38 and chemical derivatives of tetrahydrocannabinol shall
39 be deemed to be schedule two (II) substances, but
40 only when used for medicinal purposes pursuant to
41 rules of the state department of health."

42 3. By renumbering sections as necessary pursuant
43 to this amendment.

S-3646 FILED
APRIL 30, 1979

RECEIVED FROM THE HOUSE

Senate Amended per 3412 and concurred 5/4 (p. 1500)

SENATE FILE 487

S-3670

1 Amend the House amendment, S-3646, to Senate File
2 487 as amended, passed and reprinted by the Senate,
3 as follows:

4 1. Page 1, line 9, by inserting after the word
5 "purposes." the words "The marijuana shall be in
6 tablet or suppository form only and shall be
7 manufactured by a licensed pharmacist."

S-3670 FILED *W. D. Davis 5/2 (S. 1505)* BY RICHARD COMITO
MAY 1, 1979

SENATE FILE 487

S-3671

1 Amend the House Amendment S-3646 to Senate File
2 487 as amended, passed, and reprinted by the Senate
3 as follows:

4 1. Page 1, line 9, by inserting after the word
5 "purposes." the words "The marijuana shall be in
6 tablet or suppository form only and shall be
7 manufactured by a licensed pharmaceutical company."
8 2. Page 1, lines 39 and 40 by striking the words
9 "but only when used for" and inserting in lieu thereof
10 the words "only in the form of tablets or suppositories
11 when used for".

S-3671 FILED *W. D. Davis 5/4 (S. 1540)* BY RICHARD L. COMITO
MAY 1, 1979

SENATE FILE 487

S-3690

1 Amend the House amendment, S-3646, to Senate File
2 487 as amended, passed and reprinted by the Senate,
3 as follows:

4 1. Page 1, by striking lines 3 through 14 and
5 inserting in lieu thereof the following:

6 "_____. Page 3, by inserting after line 26 the
7 following unnumbered paragraph:

8 "The funds appropriated by this subsection are
9 contingent upon the board of pharmacy examiners giving
10 notice pursuant to section seventeen A point four
11 (17A.4), subsection one (1), paragraph a of the Code,
12 of its intent to adopt administrative rules
13 establishing a research program for the medicinal
14 use of marijuana. The program shall be established
15 within ninety days of the effective date of this Act.
16 The board shall organize an advisory group of
17 physicians, which shall include a psychologist or
18 psychiatrist, to advise the board on the type of
19 program to be established, the qualifications of those
20 who will be eligible to dispense the marijuana, and
21 the federal regulations governing the program. The
22 board shall be responsible for complying with all
23 federal regulations necessary for the establishment
24 and continuation of the program and the monitoring
25 of all program participants. The board shall not
26 authorize the growing of marijuana within the state."

27 2. Page 1, by striking line 21 and inserting in
28 lieu thereof the words "rules of the board of pharmacy
29 examiners for medicinal".

30 3. Page 1, by striking line 24 and inserting in
31 lieu thereof the words "provided by rules of the board
32 of pharmacy examiners".

33 4. Page 1, by striking line 33 and inserting in
34 lieu thereof the words "board of pharmacy examiners."

35 5. Page 1, by striking line 41 and inserting in
36 lieu thereof the words "rules of the board of pharmacy
37 examiners."

BY DAVID M. READINGER
SUE YENGER
CLARENCE CARNEY
JULIA GENTLEMAN
EARL M. WILLITS

ARTHUR A. SMALL, JR.
PATRICK DELUHERY
TOM SLATER

S-3690 FILED *W/Drawn 5/4 (p. 154c)*
MAY 2, 1979

SENATE FILE 487

S-3691

1 Amend the House Amendment S-3646, to Senate File
2 487 as amended, passed, and reprinted by the Senate
3 as follows:

4 1. Page 1, by inserting after line 14 the
5 following:

6 "_____. Page 3 by striking line 26 and inserting
7 in lieu thereof the following:

8 "neous purposes.....\$ 253,000 \$ 253,000"."

S-3691 FILED *W/Drawn 5/4 (p. 154c)* BY DAVID READINGER
MAY 2, 1979

SENATE FILE 487

S-3712

1 Amend the House amendment, S-3646, to Senate File
2 487 as amended, passed and reprinted by the Senate,
3 as follows:

4 1. Page 1, by striking lines 3 through 14 and
5 inserting in lieu thereof the following:

6 " . Page 3, by inserting after line 26 the
7 following unnumbered paragraph:

8 "The funds appropriated by this subsection are
9 contingent upon the board of pharmacy examiners giving
10 notice pursuant to section seventeen A point four
11 (17A.4), subsection one (1), paragraph a of the Code,
12 of its intent to adopt administrative rules
13 establishing a research program for the medicinal
14 use of marijuana. The program shall be established
15 within ninety days of the effective date of this Act.
16 The board shall organize an advisory group of
17 physicians, which shall include a psychiatrist, to
18 advise the board on the type of program to be
19 established, the qualifications of those who will
20 be eligible to dispense the marijuana, and the federal
21 regulations governing the program. The board shall
22 be responsible for complying with all federal
23 regulations necessary for the establishment and
24 continuation of the program and the monitoring of
25 all program participants. The board shall not
26 authorize the growing of marijuana within the state."

27 2. Page 1, by striking line 21 and inserting in
28 lieu thereof the words "rules of the board of pharmacy
29 examiners for medicinal".

30 3. Page 1, by striking line 24 and inserting in
31 lieu thereof the words "provided by rules of the board
32 of pharmacy examiners".

33 4. Page 1, by striking line 33 and inserting in
34 lieu thereof the words "board of pharmacy examiners."

35 5. Page 1, by striking line 41 and inserting in
36 lieu thereof the words "rules of the board of pharmacy
37 examiners."

BY DAVID M. READINGER
SUE YENGER
CLARENCE CARNEY
JULIA GENTLEMAN
EARL M. WILLITS

ARTHUR A. SMALL, JR.
PATRICK J. DELUHERY
TOM SLATER
FORREST SCHWENGLIS

S-3712 FILED
MAY 3, 1979

Adopted 5/4 (p. 1540)

SENATE AMENDMENT TO HOUSE AMENDMENT TO
SENATE FILE 487

4298

1 Amend the House amendment, S-3646, to Senate File
2 487 as amended, passed and reprinted by the Senate,
3 as follows:
4 1. Page 1, by striking lines 3 through 14 and
5 inserting in lieu thereof the following:
6 " . Page 3, by inserting after line 26 the
7 following unnumbered paragraph:
8 "The funds appropriated by this subsection are
9 contingent upon the board of pharmacy examiners giving
10 notice pursuant to section seventeen A point four
11 (17A.4), subsection one (1), paragraph a of the Code,
12 of its intent to adopt administrative rules
13 establishing a research program for the medicinal
14 use of marijuana. The program shall be established
15 within ninety days of the effective date of this Act.
16 The board shall organize an advisory group of
17 physicians, which shall include a psychiatrist, to
18 advise the board on the type of program to be
19 established, the qualifications of those who will
20 be eligible to dispense the marijuana, and the federal
21 regulations governing the program. The board shall
22 be responsible for complying with all federal
23 regulations necessary for the establishment and
24 continuation of the program and the monitoring of
25 all program participants. The board shall not
26 authorize the growing of marijuana within the state."
27 2. Page 1, by striking line 21 and inserting in
28 lieu thereof the words "rules of the board of pharmacy
29 examiners for medicinal".
30 3. Page 1, by striking line 24 and inserting in
31 lieu thereof the words "provided by rules of the board
32 of pharmacy examiners".
33 4. Page 1, by striking line 33 and inserting in
34 lieu thereof the words "board of pharmacy examiners."
35 5. Page 1, by striking line 41 and inserting in
36 lieu thereof the words "rules of the board of pharmacy
37 examiners."

H-4298 FILED
MAY 7, 1979

RECEIVED FROM THE SENATE
Have reviewed 5/7 (p. 2113)

SENATE FILE 487

AN ACT

APPROPRIATING FUNDS TO STATE AGENCIES FOR DESIGNATED SERVICE PROGRAMS INCLUDING HEALTH PROGRAMS, CIVIL RIGHTS, PAROLE SERVICES AND PROGRAMS FOR MINORITY, ELDERLY AND DISADVANTAGED PERSONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. There is appropriated from the general fund of the state to the commission on aging for each fiscal year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981, the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

	<u>1979-1980</u>	<u>1980-1981</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. For salaries and support of not more than twenty-six point twenty-five full-time equivalent positions annually, maintenance and miscellaneous purposes	\$ 171,051	\$ 167,900
2. For the administration of area agencies on aging	\$ 110,420	\$ 117,600
3. For the senior citizen employment program	\$ 108,000	\$ 108,000
4. For grants to assist the development of senior centers in the state	\$ 158,000	\$ 158,000

Sec. 2. There is appropriated from the general fund of the state for each fiscal year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981 the following amounts,

or so much thereof as may be necessary, to be used by the following agencies for the purposes designated:

	<u>1979-1980</u>	<u>1980-1981</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. IOWA STATE CIVIL RIGHTS COMMISSION For salaries and support of not more than thirty-five full-time equivalent positions annually, maintenance and miscellaneous purposes	\$ 540,463	\$ 540,943
2. COMMITTEE ON THE EMPLOYMENT OF THE HANDICAPPED For salaries and support of not more than five full-time equivalent positions annually, maintenance and miscellaneous purposes	\$ 106,839	\$ 105,079
3. BOARD OF PAROLE For salaries and support of not more than fifteen full-time equivalent positions annually, maintenance and miscellaneous purposes	\$ 270,736	\$ 267,243
4. COMMISSION ON THE STATUS OF WOMEN For salaries and support of not more than three full-time equivalent positions annually, maintenance and miscellaneous purposes	\$ 76,100	\$ 76,570

Sec. 3. There is appropriated from the general fund of the state for each fiscal year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981 the following amounts, or so much thereof as may be necessary, to be used by the following agencies for the purposes designated:

	1979-1980	1980-1981
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. BOARD OF MEDICAL EXAMINERS		
For salaries and support of not more than seven full-time equivalent positions annually, maintenance and miscellaneous purposes	\$ 199,411	\$ 193,442

2. BOARD OF NURSE EXAMINERS		
For salaries and support of not more than thirteen point twenty-five full-time equivalent positions annually, maintenance and miscellaneous purposes	\$ 371,421	\$ 370,991

3. BOARD OF PHARMACY EXAMINERS		
For salaries and support of not more than eight point five full-time equivalent positions annually, maintenance and miscellaneous purposes	\$ 243,000	\$ 243,000

The funds appropriated by this subsection are contingent upon the board of pharmacy examiners giving notice pursuant to section seventeen A point four (17A.4), subsection one (1), paragraph 3 of the Code, of its intent to adopt

administrative rules establishing a research program for the medicinal use of marijuana. The program shall be established within ninety days of the effective date of this Act. The board shall organize an advisory group of physicians, which shall include a psychiatrist, to advise the board on the type of program to be established, the qualifications of those who will be eligible to dispense the marijuana, and the federal regulations governing the program. The board shall be responsible for complying with all federal regulations necessary for the establishment and continuation of the program and the monitoring of all program participants. The board shall not authorize the growing of marijuana within the state.

4. IOWA MENTAL HEALTH AUTHORITY		
For salaries and support of not more than eight point five full-time equivalent positions annually, maintenance and miscellaneous purposes	\$ 136,081	\$ 148,084

5. MENTAL HEALTH ADVISORY COUNCIL		
For salaries and support of not more than three full-time equivalent positions annually, maintenance and miscellaneous purposes	\$ 54,259	\$

Sec. 4. There is appropriated from the general fund of the state to the state department of health for each fiscal year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981, the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

	1979-1980	1980-1981
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. GENERAL ADMINIS-		

TRATION

a. Central administration.

For salaries and support of not more than three full-time equivalent positions annually, maintenance and miscellaneous purposes \$ 73,503 \$ 72,128

b. Management and budget division.

For salaries and support of not more than twenty-eight point twenty-five full-time equivalent positions annually, maintenance and miscellaneous purposes \$ 262,185 \$ 256,562

c. External affairs division.

For salaries and support of not more than nine full-time equivalent positions annually, maintenance and miscellaneous purposes \$ 89,809 \$ 89,815

2. HEALTH FACILITIES DIVISION

a. Health facilities service.

For salaries and support of not more than sixty-eight point four full-time equivalent positions annually, maintenance and miscellaneous purposes \$ 554,102 \$ 548,903

b. Health planning agency.

For salaries and support of not more than eleven full-time equivalent positions annually, maintenance and miscellaneous purposes \$ 66,940 \$ 66,407

c. Certificate of need.

For salaries and support of not more than six full-time equivalent positions annually, maintenance and miscellaneous purposes \$ 192,108 \$ 190,244

3. DISEASE PREVENTION DIVISION

For salaries and support of not more than thirty-seven point six full-time equivalent positions in the fiscal year beginning July 1, 1979 and ending June 30, 1980 and not more than thirty-one point six full-time equivalent positions in the fiscal year beginning July 1, 1980 and ending June 30, 1981, maintenance and miscellaneous purposes \$ 538,673 \$ 536,095

4. RECORDS AND STATISTICAL DIVISION

For salaries and support of not more than

twenty-nine full-time equivalent positions annually, maintenance and miscellaneous purposes \$ 462,698 \$ 460,444

5. LICENSING AND CERTIFICATION DIVISION

For salaries and support of not more than seventeen full-time equivalent positions annually, maintenance and miscellaneous purposes \$ 544,584 \$ 549,561

It is the intent of the general assembly that the licensing and certification division prepare estimates of projected revenues to be generated by the licensing, certification and examination fees of each board as well as a projection of the fairly apportioned administrative costs attributable to each board. It is the further intent of the general assembly that each board annually review and adjust its schedule of fees so that, as nearly as possible, projected revenues equal projected costs and further that an imbalance in revenues and costs in one year shall be offset in a subsequent fiscal year.

6. PERSONAL AND FAMILY HEALTH SERVICES

For salaries and support of not more than sixty full-time equivalent positions annually, maintenance and miscellaneous purposes \$ 879,931 \$ 861,373

The position of physical fitness coordinator is not approved by the general assembly. The department may employ a dietary consultant for the women's, infant's and children's program with federal funds. The department shall allocate from funds appropriated by this subsection not less than

thirty-five thousand dollars for each fiscal year for the perinatal program.

7. COMMUNITY HEALTH SERVICES

a. Community health division.

For salaries and support of not more than forty-two full-time equivalent positions annually, maintenance and miscellaneous purposes \$ 962,111 \$ 1,015,376

b. Rape investigations.

For medical procedures required by section seven hundred nine point ten (709.10) of the Code \$ 45,000 \$ 45,000

c. Sudden infant death syndrome.

For reimbursing counties for expenses resulting from autopsies of suspected victims of sudden infant death syndrome required under section three hundred thirty-nine point seven (339.7) of the Code \$ 28,000 \$ 28,000

d. In-home health care grants.

For grants to local boards of health for programs to maintain or expand the availability of in-home

7. The state department of health shall annually evaluate the success of the in-home health care grant program. The evaluation shall include the following program effects:

- a. The extent to which the program reduced or prevented the inappropriate institutionalization of elderly persons.
- b. The extent to which the program increased the availability of in-home health care to elderly persons.
- c. The extent of in-home health care provided to elderly persons.

The department shall submit a report on each annual evaluation to the governor and the general assembly.

Sec. 6. There is appropriated from the general fund of the state to the Iowa department of veteran's affairs for each fiscal year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981 the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

	1979-1980	1980-1981
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. For salaries and support of not more than five full-time equivalent positions annually, maintenance and miscellaneous purposes	\$ 105,382	\$ 105,279
2. For the war orphans educational aid fund	\$ 35,000	\$ 35,000

Sec. 7. There is appropriated from the general fund of the state to the Spanish-speaking people's commission for the fiscal year beginning July 1, 1979 and ending June 30, 1980 the sum of forty-five thousand seven hundred fifteen (45,715) dollars or so much thereof as may be necessary for salaries and support of not more than two full-time equivalent positions, maintenance and miscellaneous purposes.

Sec. 8. Notwithstanding section seven (7) of chapter one thousand five (1095), Acts of the Sixty-seventh General As-

sembly, 1978 Session, funds appropriated by subsection eight (8) of that section to the Spanish-American war veterans may be expended after June 30, 1979 and until October 31, 1979 and unobligated or unencumbered balances remaining on October 31, 1979 shall revert to the general fund on January 31, 1980 notwithstanding section eight point thirty-three (8.33) of the Code.

Sec. 9. Section sixteen point eight (16.8), Code 1979, is amended to read as follows:

16.8 COMMISSION TERMINATION. Without affirmative action by the general assembly before June 30, 1980, the Spanish-speaking people's commission shall expire on June 30, 1979 1981.

Sec. 10. Section one hundred fifty-seven point seven (157.7), Code 1979, is amended to read as follows:

157.7 INSPECTORS. ~~inspectors~~ The department shall employ inspectors and clerical assistants ~~shall-be-employed-by-the department under the-provisions-of~~ chapter 19A to administer and enforce ~~the-provisions-of~~ this chapter. The department shall, when possible, integrate inspection efforts under this chapter with inspections conducted under chapter one hundred fifty-eight (158) of the Code. The costs and expenses of inspectors and clerical assistants shall be paid from funds appropriated to the board.

Sec. 11. Section one hundred fifty-eight point six (158.6), Code 1979, is amended to read as follows:

158.6 INSPECTORS. ~~inspectors~~ The department shall employ inspectors and clerical assistants ~~shall-be-employed by-the-department under the-provisions-of~~ chapter 19A to administer and enforce ~~the-provisions-of~~ this chapter. The department shall, when possible, integrate inspection efforts under this chapter with inspections conducted under chapter one hundred fifty-seven (157) of the Code. The costs and expenses of inspectors and clerical assistants shall be paid from funds appropriated to the board.

Sec. 12. Section two hundred four point two hundred four (204.204), subsection four (4), paragraphs j and q, Code 1979, are amended to read as follows:

health care to elderly persons in the state in accordance with section five (5) of this Act \$ 2,765,960 \$ 3,015,960

e. Well-elderly clinic grants.

For the development and maintenance of well-elderly clinics in the state \$ 212,000 \$ 212,000

Sec. 5.

1. Funds appropriated by section four (4), subsection seven (7), paragraph d of this Act shall be used to maintain and expand existing in-home health care services for elderly persons with the objective of preventing or reducing the inappropriate institutionalization of elderly persons.

2. As used in this section and section four (4), subsection seven (7), paragraph d of this Act, "elderly person" means a person who is sixty years of age or older.

3. The state department of health may retain not more than one percent of the amount appropriated by paragraph d of subsection seven (7) of section four (4) of this Act, to be used to pay the costs of administering the in-home health care program. The remainder of the amount appropriated shall be allocated for use in the several counties of the state as follows:

a. One-fourth of the total amount to be allocated shall be divided so that an equal amount is available for use in each county in the state.

b. Three-fourths of the total amount to be allocated shall be divided so that the share available for use in each county is proportionate to the number of elderly persons living in that county in relation to the total number of elderly persons living in the state.

4. The state department of health shall make the money allocated for use in each county under subsection three (3)

of this section available to be expended in that county as provided in this subsection. The local board of health having jurisdiction, after consultation with other in-home health care provider agencies in the jurisdiction, shall prepare a proposal for the use of the funds available for that jurisdiction that will provide the maximum benefits of expanded home health care to elderly persons in the jurisdiction, and that shall include a statement assuring that the appropriate local agencies have participated in the formulation of the proposal. After approval of the proposal by the department, the department shall enter into a contract with the local board of health. The local board of health may subcontract with a nonprofit nurses' association, an independent nonprofit agency, the department of social services or a suitable local governmental or nongovernmental body to use the funds to expand or maintain in-home health services. Local boards of health shall make an effort to subcontract with agencies that are currently providing services to prevent duplication of services.

5. If by July thirtieth of each year of the biennium the department is unable to conclude contracts for use of the funds allocated under this section in a county, the department shall consider the unused funds an unallocated pool. The department shall prior to December thirty-first of each fiscal year of the biennium reallocate the funds in the unallocated pool among the counties in which the department has concluded contracts under this section. The reallocation shall be made in substantially the manner prescribed by subsection three (3) of this section, and the funds are available for use in the counties to which they are reallocated during the period beginning January first and ending June thirtieth of each fiscal year of the biennium.

6. The state department of health shall promulgate rules not contrary to this section defining eligibility for in-home health care services paid for from funds appropriated by this section. The rules shall impose a sliding fee scale for those persons deemed able to pay all or a portion of the cost of the services.

j. Marijuana, except as otherwise provided by rules of the board of pharmacy examiners for medicinal purposes.

g. Tetrahydrocannabinols, except as otherwise provided by rules of the board of pharmacy examiners for medicinal purposes.

Sec. 13. Section two hundred four point two hundred four (204.204), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. This section does not apply to marijuana, tetrahydrocannabinols or chemical derivatives of tetrahydrocannabinol when utilized for medicinal purposes pursuant to rules of the state board of pharmacy examiners.

Sec. 14. Section two hundred four point two hundred six (204.206), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. Marijuana, tetrahydrocannabinol and chemical derivatives of tetrahydrocannabinol shall be deemed to be schedule two (II) substances, but only when used for medicinal purposes pursuant to rules of the board of pharmacy examiners.

Sec. 15. Acts of the Sixty-seventh General Assembly, 1978 Session, chapter one thousand five (1005), section three (3), subsection one (1), is amended to read as follows:

1. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1978 and ending June 30, 1979 to the department of health the sum of two million two hundred twenty-eight thousand (2,228,000) dollars or so much thereof as may be necessary to be used to extend availability of public health nursing services or visiting nurse services and home health aide services to elderly persons in this state. Notwithstanding section eight point thirty-three (8.33) of the Code unencumbered or unobligated funds remaining on June 30, 1979 from the amount appropriated by this subsection shall not revert to the general fund of the state, but shall be transferred by the department of health to the unallocated pool created for the 1979-1980 fiscal year under subsection five (5) of section five (5) of this Act and used as provided in that subsection.

Sec. 16. All federal grants to and federal receipts of the agencies appropriated funds under this Act are appropriated for the purposes set forth in the federal grants or receipts. Full-time equivalent positions funded entirely with federal funds are exempt from the limits on the number of full-time equivalent positions provided in this Act but are approved only for the period of time for which the federal funds are available for the position.

TERRY E. BRANSTAD
President of the Senate

FLOYD H. MILLEN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 487, Sixty-eighth General Assembly.

FRANK J. STORK
Secretary of the Senate

Approved *June 1* _____, 1979

ROBERT D. RAY
Governor