

4. A declaration or similar document executed in another state or jurisdiction in compliance with the law of that state or jurisdiction shall be deemed valid and enforceable in this state, to the extent the declaration or similar document is consistent with the laws of this state.

5. A declaration executed pursuant to this chapter may, but need not, be in the following form:

**DECLARATION**

If I should have an incurable or irreversible condition that will result either in death within a relatively short period of time or a state of permanent unconsciousness from which, to a reasonable degree of medical certainty, there can be no recovery, it is my desire that my life not be prolonged by the administration of life-sustaining procedures. If I am unable to participate in my health care decisions, I direct my attending physician to withhold or withdraw life-sustaining procedures that merely prolong the dying process and are not necessary to my comfort or freedom from pain.

Sec. 5. **NEW SECTION. 144A.12 APPLICATION TO EXISTING DECLARATIONS.**

A declaration executed prior to the effective date of this Act shall remain valid and shall be given effect in accordance with the then-applicable provisions of this chapter. If a declaration executed prior to the effective date of this Act includes a provision which would not have been given effect under this chapter prior to the effective date of this Act but which would be given effect under this Act, then the provision shall be given effect in accordance with this Act.

Sec. 6. **EFFECTIVE DATE.** This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 23, 1992

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**CHAPTER 1133**

**ENDANGERED SPECIES**

*H.F. 2274*

**AN ACT** relating to the protection of endangered species by the department of natural resources.

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

Section 1. Section 109A.5, unnumbered paragraph 1 and subsections 2, 3, and 4, Code 1991, are amended to read as follows:

Except as otherwise provided in this chapter or by rule, a person shall not take, possess, transport, import, export, process, sell or offer for sale, buy or offer to buy, nor shall a common or contract carrier transport or receive for shipment, any species of fish, plants, or wildlife appearing on the following lists which shall be adopted by rule of the commission:

2. The United States list of endangered or threatened native fish and wildlife as contained in the code of federal regulations, Title 50, part 17 as amended to December 30, ~~1974~~ 1991.

3. The United States list of endangered or threatened plants as contained in the code of federal regulations, Title 50, part 17 as amended to December 30, ~~1974~~ 1991.

4. The United States list of endangered or threatened foreign fish and wildlife as contained in the code of federal regulations, Title 50, part 17 as amended to December 30, ~~1974~~ 1991.

Sec. 2. Section 109A.5, subsection 5, Code 1991, is amended by striking the subsection.

Sec. 3. Section 109A.9, Code 1991, is amended by striking the section and inserting in lieu thereof the following:

**109A.9 EXEMPTIONS.**

A species of fish, plant, or wildlife appearing on any of the lists of endangered species or threatened species which enters the state from another state or from outside the territorial limits of the United States may enter, be transported, possessed, and sold in accordance with rules adopted by the commission.

Approved April 23, 1992

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**CHAPTER 1134**  
**FRANCHISE AGREEMENTS**  
*H.F. 2362*

**AN ACT** relating to franchise agreements and their enforcement by establishing certain duties and limitations on franchisors, providing certain exemptions, and establishing a civil cause of action.

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

Section 1. **NEW SECTION. 523H.1 DEFINITIONS.**

When used in this chapter, unless the context otherwise requires:

1. "Affiliate" means a person controlling, controlled by, or under common control with another person, every officer or director of such a person, and every person occupying a similar status or performing similar functions.

2. "Business day" means a day other than a Saturday, Sunday, or federal holiday.

3. a. "Franchise" means either of the following:

(1) An oral or written agreement, either express or implied, which provides all of the following:

(a) Grants the right to distribute goods or provide services under a marketing plan prescribed or suggested in substantial part by the franchisor.

(b) Requires payment of a franchise fee to a franchisor or its affiliate.

(c) Allows the franchise business to be substantially associated with a trademark, service mark, trade name, logotype, advertisement, or other commercial symbol of or designating the franchisor or its affiliate.

(2) A master franchise.

b. "Franchise" does not include any business that is operated under a lease or license on the premises of the lessor or licensor as long as such business is incidental to the business conducted by the lessor or licensor on such premises, including, without limitation, leased departments, licensed departments, and concessions and the leased or licensed department operates only under the trademark, trade name, service mark, or other commercial symbol designating the lessor or licensor.

c. "Franchise" also does not include any contract under which a petroleum retailer or petroleum distributor is authorized or permitted to occupy leased marketing premises, which premises are to be employed in connection with the sale, consignment, or distribution of motor fuel under a trademark which is owned or controlled by a refiner which is regulated by the federal Petroleum Marketing Practices Act, 15 U.S.C. § 2801 et seq. The term "refiner" means any person engaged in the refining of crude oil to produce motor fuel, and includes any affiliate of such person. "Franchise" also does not include a contract entered into by any person regulated under chapter 117, 123, 322, 322A, 322B, 322C, 322D, 322F, or 522, or a contract establishing a franchise relationship with respect to the sale of construction equipment, lawn or garden equipment, or real estate.