

vending machine excise tax collections shall not be included in computation of the total tax to determine frequency of filing under section 423.31.

3. For purposes of this section, “net monitor vending machine revenue receipts” means the gross receipts received from monitor vending machines less prizes awarded.

Sec. 4. TRANSITION PROVISIONS — MONITOR VENDING MACHINES. Notwithstanding any provision of section 99G.3, as amended by this Act, to the contrary, a retailer that has acquired a monitor vending machine prior to the effective date of this Act shall be allowed to offer the machine to the public for only forty-five days following the effective date of this Act. On or after forty-five days following the effective date of this Act, a retailer shall not make a monitor vending machine available to the public.

Sec. 5. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved March 20, 2006

CHAPTER 1006

OBESITY PREVENTION GRANT PROGRAM

S.F. 2124

AN ACT providing for the establishment of a nutrition and physical activity community obesity prevention grant program, and providing a contingent effective date.

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

Section 1. NEW SECTION. 135.27 NUTRITION AND PHYSICAL ACTIVITY COMMUNITY OBESITY PREVENTION GRANT — PROGRAM ESTABLISHED.

1. PROGRAM GOALS. The department shall establish and implement a grant program that expands an existing community intervention plan for preventing obesity with nutrition and physical activity approved by the centers for disease control and prevention of the United States department of health and human services. The purpose of the program shall be to increase the physical activity and fruit and vegetable consumption of targeted youth of elementary school age, with a long-term objective of developing a model program that will support and sustain such healthy behavior and incorporate sixty minutes of physical activity per day, which can be replicated in other communities.

2. DISTRIBUTION OF GRANTS. The department shall distribute the grants on a competitive basis to six communities located in each of six public health regions identified by the department, and shall provide technical assistance regarding program administration to successful applicants. Communities currently participating in the existing intervention plan shall not be eligible to apply.

3. QUALIFICATIONS. A local board of health, community organization, or city that has an elementary building that meets grant criteria may submit an application to the department for review. A coalition of local boards of health, health care providers, and community and private organizations that meet grant criteria may also submit an application. Grant criteria may include the following:

a. Participation in the free fruit and vegetable pilot program sponsored by the United States department of agriculture in designated schools.

- b. Establishment of a community coalition to support and advance the program.
- c. Participation in the pick a better snack and act social marketing campaign, support of local community groceries in the campaign, and utilization of community billboards to advertise the campaign.
- d. Use of the fitness gram and activity gram interactive computer programs to track children's daily physical activity.
- e. Participation in the five a day fruit and vegetable campaign.
- f. Measurement, reporting, and tracking of the height and weight of students in elementary schools.

Sec. 2. CONTINGENT EFFECTIVE DATE.

1. This Act shall take effect upon receipt by the Iowa department of public health of funding in an amount sufficient to establish the grant program.
2. The department shall notify the Code editor if the contingency in subsection 1 occurs.

Approved March 21, 2006

CHAPTER 1007

DISTRIBUTION OF PRESENTENCE INVESTIGATION REPORTS

S.F. 2285

AN ACT relating to the distribution of a presentence investigation report in a criminal proceeding.

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

Section 1. Section 901.4, Code Supplement 2005, is amended to read as follows:

901.4 PRESENTENCE INVESTIGATION REPORT CONFIDENTIAL — DISTRIBUTION.

The presentence investigation report is confidential and the court shall provide safeguards to ensure its confidentiality, including but not limited to sealing the report, which may be opened only by further court order. ~~At least three days prior to the date set for sentencing, the court shall send a copy of all of the presentence investigation report by ordinary or electronic mail, to the~~ The defendant's attorney and the attorney for the state, and the shall have access to the presentence investigation report at least three days prior to the date set for sentencing. ~~The~~ report shall remain confidential except upon court order. However, the court may conceal the identity of the person who provided confidential information. The report of a medical examination or psychological or psychiatric evaluation shall be made available to the attorney for the state and to the defendant upon request. The reports are part of the record but shall be sealed and opened only on order of the court. If the defendant is committed to the custody of the Iowa department of corrections and is not a class "A" felon, ~~a copy of the presentence investigation report shall be forwarded by ordinary or electronic mail to the director with the order of commitment by the clerk of the district court and to the department and the board of parole at the time of commitment shall have access to the presentence investigation report.~~ Pursuant to section 904.602, the presentence investigation report may also be released by ordinary or electronic mail by the department of corrections or a judicial district department of correctional services to another jurisdiction for the purpose of providing interstate probation and parole compact or interstate compact for adult offender supervision services or evaluations, or to a substance abuse or mental health services provider when referring a defendant