

CHAPTER 136

SALE OF CIGARETTES AND TOBACCO PRODUCTS THROUGH VENDING MACHINES

S.F. 163

AN ACT relating to the sale of cigarettes and tobacco products through vending machines.

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

Section 1. Section 453A.36, subsection 6, Code 1997, is amended to read as follows:

6. Any sales of cigarettes or tobacco products made through a cigarette vending machine are subject to rules and penalties relative to retail sales of cigarettes and tobacco products provided for in this chapter. No cigarettes shall be sold through any cigarette vending machine unless the cigarettes have been properly stamped or metered as provided by this division, and in case of violation of this provision, the permit of the dealer authorizing retail sales of cigarettes shall be canceled. Payment of the license fee as provided in section 453A.13 authorizes a cigarette vendor to sell cigarettes or tobacco products through vending machines, ~~provided that the following conditions are met: the machines are located in places where the machines are under the supervision of a person of legal age who is responsible for prevention of purchase by minors from the machines; the machines are equipped with a lock-out device under the control of a person of legal age who shall directly regulate the sale of items through the machines, and which shall include a mechanism to prevent the machines from functioning if the power source for the lock-out device fails or if the lock-out device is disabled, and a mechanism to ensure that only one pack of cigarettes or one tobacco product is dispensed at a time; and the location where the machines are placed is covered by a local retail permit. However, a lock-out device is not required for machines operated in the following locations, if the machines are not to be placed in a doorway or other area readily accessible to minors: a commercial establishment holding a class "C" liquor license or a class "B" beer permit under chapter 123, if the establishment is not also licensed as a food service establishment under chapter 137B; a private facility not open to the public; or a workplace not open to the public.~~ However, cigarettes or tobacco products shall not be sold through a vending machine unless the vending machine is located in a place where the retailer ensures that no person younger than eighteen years of age is present or permitted to enter at any time. This section does not require a retail licensee to buy a cigarette vendor's permit if the retail licensee is in fact the owner of the cigarette vending machines and the machines are operated in the location described in the retail permit.

Approved May 9, 1997

CHAPTER 137

USE AND DISPOSAL OF SEWAGE SLUDGE

S.F. 214

AN ACT relating to the regulation of the use and disposal of sewage sludge and providing a penalty.

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

Section 1. Section 455B.171, subsection 7, Code 1997, is amended to read as follows:

7. "Disposal system" means a system for disposing of sewage, industrial waste, ~~and or~~

other wastes ~~and, or for the use or disposal of sewage sludge.~~ “Disposal system” includes sewer systems, treatment works, point sources, and dispersal systems, and any systems designed for the usage or disposal of sewage sludge.

Sec. 2. Section 455B.171, Code 1997, is amended by adding the following new subsections:

NEW SUBSECTION. 25A. “Septage” means the liquid and solid material pumped from a septic tank, cesspool, or similar domestic sewage treatment system, or from a holding tank, when the system is cleaned or maintained.

NEW SUBSECTION. 26A. “Sewage sludge” means any solid, semisolid, or liquid residue removed during the treatment of municipal waste water or domestic sewage. “Sewage sludge” includes, but is not limited to, solids removed during primary, secondary, or advanced waste water treatment, scum septage, portable toilet pumpings, type III marine device pumpings as defined in 33 C.F.R. part 159, and sewage sludge products. “Sewage sludge” does not include grit, screenings, or ash generated during the incineration of sewage sludge.

Sec. 3. Section 455B.172, Code 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 9. Any county ordinance related to sewage sludge which is in effect on March 1, 1997, shall not be preempted by any provision of section 455B.171, 455B.174, 455B.183, or 455B.304.

Sec. 4. Section 455B.174, subsection 4, paragraph a, unnumbered paragraph 1, Code 1997, is amended to read as follows:

Approve or disapprove the plans and specifications for the construction of disposal systems or public water supply systems except for those sewer extensions and water supply distribution system extensions which are reviewed by a city or county public works department as set forth in section 455B.183. The director shall issue, revoke, suspend, modify, or deny permits for the operation, installation, construction, addition to, or modification of any disposal system or public water supply system except for sewer extensions and water supply distribution system extensions which are reviewed by a city or county public works department as set forth in section 455B.183. The director shall also issue, revoke, suspend, modify, or deny permits for the discharge of any pollutant, or for the use or disposal of sewage sludge. The permits shall contain conditions and schedules of compliance as necessary to meet the requirements of this part of this division, the federal Water Pollution Control Act and the federal Safe Drinking Water Act. A permit issued under this chapter for the use or disposal of sewage sludge is in addition to and must contain references to any other permits required under this chapter. The director shall not issue or renew a permit to a disposal system or a public water supply system which is not viable. If the director has reasonable grounds to believe that a disposal system or public water supply system is not viable, the department may require the system to submit a business plan as a means of determining viability. This plan shall include the following components:

Sec. 5. Section 455B.183, subsection 1, Code 1997, is amended to read as follows:

1. The construction, installation, or modification of any disposal system or public water supply system or part thereof or any extension or addition thereto except those sewer extensions and water supply distribution system extensions that are subject to review and approval by a city or county public works department pursuant to this section, the use or disposal of sewage sludge, and private sewage disposal systems. A permit shall be issued for the construction, installation, or modification of a public water supply system or part of a system if a qualified, registered engineer certifies to the department that the plans for the system or part of the system meet the requirements of state and federal law or regulations. The permit shall state that approval is based only upon the engineer’s certification that the system’s design meets the requirements of all applicable state and federal laws and regulations and the review of the department shall be advisory.

Sec. 6. Section 455B.183, subsection 3, unnumbered paragraph 1, Code 1997, is amended to read as follows:

The operation of any waste disposal system or public water supply system or any part of or extension or addition to the system. This provision does not apply to a pretreatment system the effluent of which is to be discharged directly to another disposal system for final treatment and disposal, a ~~semi-public~~ semipublic sewage disposal system, the construction of which has been approved by the department and which does not discharge into water of the state or a private sewage disposal system which does not discharge into a water of the state. Sludge from a semipublic or private sewage disposal system shall be disposed of in accordance with the rules adopted by the department pursuant to chapter 17A. The exemption of this paragraph shall not apply to any industrial waste discharges.

Sec. 7. Section 455B.304, subsection 2, Code 1997, is amended to read as follows:

2. The commission shall adopt rules that allow the use of wet or dry sludge from publicly owned treatment works for land application. A sale of wet or dry sludge for the purpose of land application shall be accompanied by a written agreement signed by both parties which contains a general analysis of the contents of the sludge. The heavy metal content of the sludge shall not exceed that allowed by rules of the commission. An owner of a publicly owned treatment works which sells wet or dry sludge ~~is not subject to criminal liability for acts or omissions in connection with a sale, and~~ is not subject to any action by the purchaser to recover damages for harm to person or property caused by sludge that is delivered pursuant to a sale unless it is a result of a violation of the written agreement or if the heavy metal content of the sludge exceeds that allowed by rules of the commission. Nothing in this section shall provide immunity to any person from action by the department pursuant to section 455B.307. The rules ~~promulgated~~ adopted under this subsection shall be generally consistent with those rules of the department existing on January 1, 1982, regarding the land application of municipal sewage sludge except that they may provide for different methods of application for wet sludge*.

Approved May 9, 1997

CHAPTER 138

HEALTHY FAMILIES PROGRAM

S.F. 526

AN ACT providing for the establishment of a healthy opportunities for parents to experience success-healthy families Iowa program by the Iowa department of public health.

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

Section 1. Section 135.106, Code 1997, is amended by striking the section and inserting in lieu thereof the following:

135.106 IOWA HEALTHY FAMILY PROGRAM — ESTABLISHED.

1. The Iowa department of public health shall establish a healthy opportunities for parents to experience success (HOPES)-healthy families Iowa (HFI) program to provide services to families and children during the prenatal through preschool years. The program shall be designed to do all of the following:

a. Promote optimal child health and development.

* The words "and dry sludge" appeared in the 1997 Code and were included in the bill as introduced and passed by the general assembly