

## CHAPTER 36

### EXPOSURE TO CHEMICALS — VETERANS

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#### 36.1 Definitions.

As used in [this chapter](#) unless the context otherwise provides:

1. “Agent Orange” means the herbicide composed primarily of trichlorophenoxyacetic acid and dichlorophenoxyacetic acid.

2. “Chemicals” means chemical defoliant, herbicides, or other causative agents, including but not limited to Agent Orange.

3. “Veteran” means a person who was a resident of this state at the time of the person’s induction into the armed forces of the United States or who is a resident of this state July 1, 1983, and served in Vietnam, Cambodia, or Laos during the Vietnam Conflict.

[83 Acts, ch 141, §1](#)

[CS83, §139A.1](#)

[86 Acts, ch 1245, §1712; 92 Acts, ch 1140, §13](#)

[C93, §36.1](#)

[2005 Acts, ch 115, §20, 21, 40; 2007 Acts, ch 202, §8; 2017 Acts, ch 59, §1](#)

**36.2 Chemical exposure report to department.** Repealed by 2017 Acts, ch 59, §2.

**36.3 Duties of the department.** Repealed by 2017 Acts, ch 59, §2.

**36.4 Confidentiality and liability.** Repealed by 2017 Acts, ch 59, §2.

#### 36.5 Attorney general powers.

The attorney general may represent veterans who may have been injured because of contact with chemicals, in an action for release of information relating to exposure to such causative agents during military service and release of the veterans’ medical records.

[83 Acts, ch 141, §5](#)

[CS83, §139A.5](#)

[C93, §36.5](#)

**36.6 Medical cooperative program.** Repealed by 2017 Acts, ch 59, §2.

**36.7 Federal program.** Repealed by 2017 Acts, ch 59, §2.

**36.8 Rules.** Repealed by 2017 Acts, ch 59, §2.

**36.9 Appropriations.** Repealed by 2017 Acts, ch 59, §2.

#### 36.10 Veterans’ litigation awards.

1. For purposes of [this section](#), “Vietnam herbicide” means a herbicide, defoliant, or other causative agent containing dioxin, including, but not limited to, Agent Orange, used in the Vietnam Conflict at any time between December 22, 1961, and May 7, 1975, inclusive.

2. *a.* Notwithstanding any other law of this state, proceeds received pursuant to a judgment in, or settlement of, a lawsuit against the manufacturer or distributor of a Vietnam

herbicide for damages resulting from exposure to the herbicide shall not be considered as income or an asset for determining the eligibility for state or local government benefit or entitlement programs. The proceeds are not subject to recoupment for the receipt of governmental benefits or entitlements and liens, except liens for child support, are not enforceable against these sums for any reason.

*b.* This exclusion of litigation proceeds from benefit or entitlement program calculations are available only to disabled veterans or their beneficiaries, whether payment is received in a lump sum or payable in installments over a period of years.

[89 Acts, ch 249, §1](#)

CS89, §139A.11

C93, §36.10