

# Senate Amendment 5440

## Amendment Text

PAG LIN

1 1 Amend [Senate File 2449](#) as follows:  
1 2 #1. Page 1, by striking line 13, and inserting the  
1 3 following: "youth to make healthy choices. The  
1 4 initiative shall allow extensive".  
1 5 #2. Page 1, line 17, by striking the words "evolve  
1 6 to create" and inserting the following: "foster".  
1 7 #3. Page 1, line 20, by striking the word "norms,"  
1 8 and inserting the following: "norms".  
1 9 #4. Page 1, by striking line 22, and inserting the  
1 10 following: "less accessible to youth. The intent of  
1 11 the general assembly shall be".  
1 12 #5. Page 1, by striking lines 31 and 32.  
1 13 #6. Page 2, by striking lines 7 and 8.  
1 14 #7. Page 2, by striking line 12.  
1 15 #8. Page 2, by striking lines 15 and 16.  
1 16 #9. Page 3, by striking lines 9 through 14, and  
1 17 inserting the following:  
1 18 "a. Three members who are active with nonprofit  
1 19 health organizations that emphasize tobacco use  
1 20 prevention or who are active as health services  
1 21 providers, at the local level.  
1 22 b. One member who is a retailer."  
1 23 #10. Page 3, line 15, by striking the letter "d"  
1 24 and inserting the following: "c".  
1 25 #11. Page 3, by striking line 19, and inserting  
1 26 the following:  
1 27 "The".  
1 28 #12. Page 3, line 22, by striking the word  
1 29 "section" and inserting the following: "sections".  
1 30 #13. Page 3, line 22, by inserting after the  
1 31 figure "69.19." the following: "At least one member  
1 32 appointed under this subsection shall be a member of a  
1 33 racial minority."  
1 34 #14. Page 3, line 24, by striking the word "five"  
1 35 and inserting the following: "three".  
1 36 #15. Page 3, by striking lines 27 through 29, and  
1 37 inserting the following: "youth membership  
1 38 appointments are not subject to section 69.16 or  
1 39 69.16A. However, the selection process shall provide  
1 40 for diversity among the members and at least one of  
1 41 the youth members shall be a female. These members  
1 42 shall also serve three-year staggered terms."  
1 43 #16. By striking page 3, line 34, through page 4,  
1 44 line 4, and inserting the following: "political  
1 45 party. The majority leader of the senate and the  
1 46 minority leader of the senate shall each appoint one  
1 47 of the senate members. The majority leader of the  
1 48 house and the minority leader of the house of  
1 49 representatives shall each appoint one of the house  
1 50 members."  
2 1 #17. Page 4, by inserting after line 16, the  
2 2 following:  
2 3 "e. The alcoholic beverages division of the  
2 4 department of commerce."  
2 5 #18. Page 4, line 25, by striking the word "shall"  
2 6 and inserting the following: "may".  
2 7 #19. Page 5, line 20, by striking the word

2 8 "evolution" and inserting the following:  
2 9 "implementation".  
2 10 #20. Page 5, line 23, by inserting after the word  
2 11 "Provide" the following: "for".  
2 12 #21. Page 6, line 35, by inserting after the word  
2 13 "budget." the following: "Beginning July 1, 2005, the  
2 14 commission shall also perform a comprehensive review  
2 15 of the initiative and shall submit a report of its  
2 16 findings to the governor and the general assembly on  
2 17 or before December 15, 2005."  
2 18 #22. Page 7, by striking lines 24 through 26, and  
2 19 inserting the following: "initiative. The commission  
2 20 shall adopt rules prohibiting the acceptance of gifts  
2 21 from a manufacturer of tobacco products."  
2 22 #23. Page 8, line 10, by inserting after the word  
2 23 "division." the following: "The division  
2 24 administrator shall report to and shall serve at the  
2 25 pleasure of the director."  
2 26 #24. Page 8, line 12, by striking the word  
2 27 "enforcement" and inserting the following: "control".  
2 28 #25. Page 8, by striking lines 19 through 22, and  
2 29 inserting the following: "of tobacco laws and  
2 30 regulations. Such contracts shall require that  
2 31 enforcement efforts include training of local  
2 32 authorities who issue retailer permits and education  
2 33 of retailers."  
2 34 #26. Page 8, line 26, inserting after the word  
2 35 "tobacco" the following: "use".  
2 36 #27. Page 8, line 34, by striking the word  
2 37 "enforcement" and inserting the following: "control".  
2 38 #28. Page 9, line 16, by striking the words "women  
2 39 who" and inserting the following: "women."  
2 40 #29. Page 9, by striking lines 17 and 18.  
2 41 #30. Page 9, line 27, by striking the word  
2 42 "activities," and inserting the following:  
2 43 "activities;".  
2 44 #31. Page 9, line 29, by striking the word  
2 45 "substances," and inserting the following:  
2 46 "substances;".  
2 47 #32. Page 9, line 31, by striking the word "shall"  
2 48 and inserting the following: "may".  
2 49 #33. Page 9, line 33, by inserting after the word  
2 50 "unhealthy" the following: "youth".  
3 1 #34. Page 10, by striking lines 11 through 14, and  
3 2 inserting the following:  
3 3 "5. Procurement of goods and services necessary to  
3 4 implement the initiative is subject to approval of the  
3 5 commission. Notwithstanding chapter 18 or any other  
3 6 provision of law to the contrary, such procurement may  
3 7 be accomplished by the commission under its own  
3 8 competitive bidding process which shall provide for  
3 9 consideration of such factors as price, bidder  
3 10 competence, and expediency in procurement.  
3 11 6. In order to promote the tobacco use prevention  
3 12 and control partnership established in section 142A.1,  
3 13 the following persons shall comply with the following,  
3 14 as applicable:  
3 15 a. A manufacturer, distributor, wholesaler,  
3 16 retailer, or distributing agent or agent thereof shall  
3 17 not give away cigarettes or tobacco products.  
3 18 b. A manufacturer, distributor, wholesaler,  
3 19 retailer, or distributing agent or agent thereof shall  
3 20 not provide free articles, products, commodities,  
3 21 gifts, or concessions in any exchange for the purchase  
3 22 of cigarettes or tobacco products.  
3 23 c. The prohibitions in this section do not apply  
3 24 to transactions between manufacturers, distributors,

3 25 wholesalers, or retailers.  
3 26 d. For the purpose of this subsection,  
3 27 manufacturer, distributor, wholesaler, retailer, and  
3 28 distributing agent mean as defined in section 453A.1."  
3 29 #35. Page 10, line 27, by striking the word  
3 30 "initiative" and inserting the following: "statewide  
3 31 initiative".  
3 32 #36. Page 10, line 28, by inserting after the word  
3 33 "Ongoing" the following: "statewide".  
3 34 #37. Page 10, by striking lines 31 through 33, and  
3 35 inserting the following: "strategy. The initial  
3 36 baseline used to measure the effectiveness of the  
3 37 initiative shall be developed using existing,  
3 38 available indicators. Following".  
3 39 #38. Page 11, by striking lines 2 through 12, and  
3 40 inserting the following: "accurately provide for  
3 41 measurement of such effectiveness. Primary emphasis  
3 42 in data assessment shall be on data relating to  
3 43 tobacco usage and may include data demonstrating the  
3 44 prevalence of tobacco use among youth and pregnant  
3 45 women, and the prevalence of the use of alcohol and  
3 46 other substances among youth. Sources of data  
3 47 considered shall include but are not limited to the  
3 48 centers for disease control and prevention of the  
3 49 United States department of health and human services  
3 50 and the Iowa youth tobacco survey, and may include the  
4 1 Iowa youth risk survey conducted by the department or  
4 2 the youth risk behavior survey."  
4 3 #39. Page 11, by inserting before line 13, the  
4 4 following:  
4 5 "e. A tobacco use prevention and control education  
4 6 program.  
4 7 f. An enforcement program."  
4 8 #40. Page 11, line 24, by inserting after the word  
4 9 "involvement." the following: "The community  
4 10 partnership or its designee shall act as the fiscal  
4 11 agent for moneys administered by the community  
4 12 partnership."  
4 13 #41. Page 11, line 27, by striking the words "or  
4 14 community empowerment area" and inserting the  
4 15 following: "economic development enterprise zone that  
4 16 meets the requirements of an urban or rural enterprise  
4 17 community under Title XIII of the federal Omnibus  
4 18 Budget Reconciliation Act of 1993, or community  
4 19 empowerment area".  
4 20 #42. Page 12, by inserting after line 6 the  
4 21 following:  
4 22 "e. Evaluation of the program."  
4 23 #43. Page 12, lines 28 and 29, by striking the  
4 24 words "In addition, the state" and inserting the  
4 25 following: "State".  
4 26 #44. Page 12, by striking lines 32 through 34 and  
4 27 inserting the following: "communications program;  
4 28 education efforts; and other aspects of the initiative  
4 29 including evaluation, collaboration, and enforcement."  
4 30 #45. Page 13, line 18, by striking the figure  
4 31 "2005" and inserting the following: "2010".  
4 32 #46. Page 13, line 24, by striking the word  
4 33 "Three" and inserting the following: "Two".  
4 34 #47. Page 13, line 25, by striking the word  
4 35 "Three" and inserting the following: "Two".  
4 36 #48. Page 13, line 26, by striking the word "Four"  
4 37 and inserting the following: "Three".  
4 38 #49. Page 13, line 29, by striking the words "Two  
4 39 members" and inserting the following: "One member".  
4 40 #50. Page 13, line 30, by striking the words "Two  
4 41 members" and inserting the following: "One member".

4 42 #51. By striking page 13, line 34, through page  
4 43 14, line 4, and inserting the following: "members  
4 44 shall be made by the governor. The legislative  
4 45 council may compile a list of individuals based on  
4 46 recommendations received from members of the general  
4 47 assembly, following public input, and submit the list  
4 48 to the governor to assist efforts in identifying  
4 49 qualified and capable candidates for initial  
4 50 appointments."

5 1 #52. Page 14, by inserting after line 6 the  
5 2 following:

5 3 "Sec. \_\_\_\_\_. Section [453A.39](#), Code 1999, is  
5 4 repealed."

5 5 #53. Page 14, line 10, by striking the word  
5 6 "beverage" and inserting the following: "beverages".

5 7 #54. Page 14, by inserting after line 16, the  
5 8 following:

5 9 "Sec. \_\_\_\_\_. ADMINISTRATOR INITIAL HIRING. The  
5 10 provisions of section 142A.4 relating to the  
5 11 commission providing advice and consultation with  
5 12 regard to the hiring of the administrator do not apply  
5 13 to the initial hiring of an administrator if the  
5 14 commission is not operational at the time that a  
5 15 potential candidate for the position of administrator  
5 16 is formally offered the administrator position.  
5 17 However, under such circumstances, the director shall  
5 18 consult with the ex officio members of the commission,  
5 19 if appointed at the time such a formal offer is  
5 20 extended."

5 21 #55. By renumbering, relettering, or redesignating  
5 22 and correcting internal references as necessary.

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5 26 NANCY [BOETTGER](#)

5 27 [SF 2449.203](#) 78

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