

Senate File 516

H-1452

1 Amend the amendment, H-1448, to Senate File 516, as amended,  
2 passed, and reprinted by the Senate, as follows:

3 1. By striking page 1, line 1, through page 25, line 29, and  
4 inserting:

5 <Amend Senate File 516, as amended, passed, and reprinted by  
6 the Senate, as follows:

7 1. By striking everything after the enacting clause and  
8 inserting:

9

<DIVISION I

10

STANDING APPROPRIATIONS AND RELATED MATTERS

11 Section 1. BUDGET PROCESS FOR FISCAL YEAR 2018-2019.

12 1. For the budget process applicable to the fiscal year  
13 beginning July 1, 2018, on or before October 1, 2017, in lieu  
14 of the information specified in section 8.23, subsection  
15 1, unnumbered paragraph 1, and section 8.23, subsection 1,  
16 paragraph "a", all departments and establishments of the  
17 government shall transmit to the director of the department  
18 of management, on blanks to be furnished by the director,  
19 estimates of their expenditure requirements, including every  
20 proposed expenditure, for the ensuing fiscal year, together  
21 with supporting data and explanations as called for by the  
22 director of the department of management after consultation  
23 with the legislative services agency.

24 2. The estimates of expenditure requirements shall be  
25 in a form specified by the director of the department of  
26 management, and the expenditure requirements shall include all  
27 proposed expenditures and shall be prioritized by program or  
28 the results to be achieved. The estimates shall be accompanied  
29 by performance measures for evaluating the effectiveness of the  
30 programs or results.

31 Sec. 2. BUDGET PROCESS FOR FISCAL YEAR 2019-2020.

32 1. For the budget process applicable to the fiscal year  
33 beginning July 1, 2019, on or before October 1, 2018, in lieu  
34 of the information specified in section 8.23, subsection  
35 1, unnumbered paragraph 1, and section 8.23, subsection 1,



1 paragraph "a", all departments and establishments of the  
2 government shall transmit to the director of the department  
3 of management, on blanks to be furnished by the director,  
4 estimates of their expenditure requirements, including every  
5 proposed expenditure, for the ensuing fiscal year, together  
6 with supporting data and explanations as called for by the  
7 director of the department of management after consultation  
8 with the legislative services agency.

9       2. The estimates of expenditure requirements shall be  
10 in a form specified by the director of the department of  
11 management, and the expenditure requirements shall include all  
12 proposed expenditures and shall be prioritized by program or  
13 the results to be achieved. The estimates shall be accompanied  
14 by performance measures for evaluating the effectiveness of the  
15 programs or results.

16       Sec. 3. LIMITATIONS OF STANDING APPROPRIATIONS — FY  
17 2017-2018. Notwithstanding the standing appropriations  
18 in the following designated sections for the fiscal year  
19 beginning July 1, 2017, and ending June 30, 2018, the amounts  
20 appropriated from the general fund of the state pursuant to  
21 these sections for the following designated purposes shall not  
22 exceed the following amounts:

23       1. For payment of claims for nonpublic school  
24 transportation under section 285.2:

25 ..... \$ 8,197,091

26       If total approved claims for reimbursement for nonpublic  
27 school pupil transportation exceed the amount appropriated in  
28 accordance with this subsection, the department of education  
29 shall prorate the amount of each approved claim.

30       2. For distribution for the tribal council of the Sac and  
31 Fox Indian settlement for educating American Indian children  
32 under section 256.30:

33 ..... \$ 95,750

34       Sec. 4. LIMITATIONS OF STANDING APPROPRIATIONS — FY  
35 2018-2019. Notwithstanding the standing appropriations



1 in the following designated sections for the fiscal year  
2 beginning July 1, 2018, and ending June 30, 2019, the amounts  
3 appropriated from the general fund of the state pursuant to  
4 these sections for the following designated purposes shall not  
5 exceed the following amounts:

6 1. For payment of claims for nonpublic school  
7 transportation under section 285.2:

8 ..... \$ 8,197,091

9 If total approved claims for reimbursement for nonpublic  
10 school pupil transportation exceed the amount appropriated in  
11 accordance with this subsection, the department of education  
12 shall prorate the amount of each approved claim.

13 2. For distribution for the tribal council of the Sac and  
14 Fox Indian settlement for educating American Indian children  
15 under section 256.30:

16 ..... \$ 95,750

17 Sec. 5. GENERAL ASSEMBLY.

18 1. The appropriations made pursuant to section 2.12 for the  
19 expenses of the general assembly and legislative agencies for  
20 the fiscal year beginning July 1, 2017, and ending June 30,  
21 2018, are reduced by the following amount:

22 ..... \$ 400,000

23 2. The budgeted amounts for the general assembly and  
24 legislative agencies for the fiscal year beginning July 1,  
25 2017, may be adjusted to reflect the unexpended budgeted  
26 amounts from the previous fiscal year.

27 3. Annual membership dues for organizations, associations,  
28 and conferences shall not be paid from moneys appropriated  
29 pursuant to section 2.12.

30 4. Costs for out-of-state travel and per diems for  
31 out-of-state travel shall not be paid from moneys appropriated  
32 pursuant to section 2.12.

33 Sec. 6. INSTRUCTIONAL SUPPORT STATE AID — FY 2017-2018. In  
34 lieu of the appropriation provided in section 257.20,  
35 subsection 2, the appropriation for the fiscal year



1 beginning July 1, 2017, and ending June 30, 2018, for paying  
2 instructional support state aid under section 257.20 for such  
3 fiscal years is zero.

4     Sec. 7. SPECIAL FUNDS — SALARY ADJUSTMENTS — FY 2017-2018  
5 — FY 2018-2019. For the fiscal year beginning July 1, 2017,  
6 and ending June 30, 2018, and for the fiscal year beginning  
7 July 1, 2018, and ending June 30, 2019, salary adjustments may  
8 be funded using departmental revolving, trust, or special funds  
9 for which the general assembly has established an operating  
10 budget, provided that doing so does not exceed the operating  
11 budget established by the general assembly.

12     Sec. 8. OPERATIONAL APPROPRIATIONS — REVERSION — FY  
13 2016-2017. Notwithstanding section 8.62, at the close of  
14 the fiscal year beginning July 1, 2016, and ending June 30,  
15 2017, any balance of an operational appropriation that remains  
16 unexpended or unencumbered shall not be encumbered or deposited  
17 in the cash reserve fund as provided in section 8.62, but shall  
18 instead revert to the general fund of the state at the close of  
19 the fiscal year as provided in section 8.33.

20     Sec. 9. SPECIAL FUNDS — SALARY ADJUSTMENTS —  
21 UNAPPROPRIATED MONEYS — FY 2017-2018 — FY 2018-2019. For the  
22 fiscal year beginning July 1, 2017, and ending June 30, 2018,  
23 and for the fiscal year beginning July 1, 2018, and ending  
24 June 30, 2019, salary adjustments otherwise provided may be  
25 funded as determined by the department of management using  
26 unappropriated moneys remaining in the department of commerce  
27 revolving fund, the gaming enforcement revolving fund, the  
28 gaming regulatory revolving fund, the primary road fund, the  
29 road use tax fund, the fish and game protection fund, the Iowa  
30 public employees' retirement fund, and in other departmental  
31 revolving, trust, or special funds for which the general  
32 assembly has not made an operating budget appropriation.

33     Sec. 10. SALARY MODEL ADMINISTRATOR. The salary model  
34 administrator shall work in conjunction with the legislative  
35 services agency to maintain the state's salary model used for



1 analyzing, comparing, and projecting state employee salary  
2 and benefit information, including information relating to  
3 employees of the state board of regents. The department of  
4 revenue, the department of administrative services, the five  
5 institutions under the jurisdiction of the state board of  
6 regents, the judicial district departments of correctional  
7 services, and the state department of transportation shall  
8 provide salary data to the department of management and the  
9 legislative services agency to operate the state's salary  
10 model. The format and frequency of provision of the salary  
11 data shall be determined by the department of management and  
12 the legislative services agency. The information shall be  
13 used in collective bargaining processes under chapter 20 and  
14 in calculating the funding needs contained within the annual  
15 salary adjustment legislation. A state employee organization  
16 as defined in section 20.3, subsection 4, may request  
17 information produced by the model, but the information provided  
18 shall not contain information attributable to individual  
19 employees.

20     Sec. 11. Section 257.35, Code 2017, is amended by adding the  
21 following new subsection:

22     NEW SUBSECTION. 11A. Notwithstanding subsection 1, and in  
23 addition to the reduction applicable pursuant to subsection  
24 2, the state aid for area education agencies and the portion  
25 of the combined district cost calculated for these agencies  
26 for the fiscal year beginning July 1, 2017, and ending June  
27 30, 2018, shall be reduced by the department of management by  
28 fifteen million dollars. The reduction for each area education  
29 agency shall be prorated based on the reduction that the agency  
30 received in the fiscal year beginning July 1, 2003.

31     Sec. 12. EFFECTIVE UPON ENACTMENT. The following provision  
32 or provisions of this division of this Act, being deemed of  
33 immediate importance, take effect upon enactment:

34     1. The section of this division of this Act reverting to  
35 the general fund any unexpended or unencumbered moneys from



1 operational appropriations.

2 DIVISION II

3 MISCELLANEOUS PROVISIONS

4 Sec. 13. VICTIM ASSISTANCE GRANTS. There is appropriated  
5 from the general fund of the state to the department of justice  
6 for the fiscal year beginning July 1, 2017, and ending June 30,  
7 2018, the following amount, or so much thereof as is necessary,  
8 to be used for the purposes designated:

9 For victim assistance grants:

10 ..... \$ 150,000

11 Sec. 14. Section 2.43, unnumbered paragraph 1, Code 2017,  
12 is amended to read as follows:

13 The legislative council in cooperation with the officers of  
14 the senate and house shall have the duty and responsibility for  
15 preparing for each session of the general assembly. Pursuant  
16 to such duty and responsibility, the legislative council  
17 shall assign the use of areas in the state capitol except for  
18 the areas used by the governor as of January 1, 1986, ~~and by~~  
19 ~~the courts as of July 1, 2003,~~ and, in consultation with the  
20 director of the department of administrative services and the  
21 capitol planning commission, may assign areas in other state  
22 office buildings for use of the general assembly or legislative  
23 agencies. The legislative council shall provide the courts  
24 with use of space in the state capitol for ceremonial purposes.

25 The legislative council may authorize the renovation,  
26 remodeling and preparation of the physical facilities used or  
27 to be used by the general assembly or legislative agencies  
28 subject to the jurisdiction of the legislative council and  
29 award contracts pursuant to such authority to carry out such  
30 preparation. The legislative council may purchase supplies and  
31 equipment deemed necessary for the proper functioning of the  
32 legislative branch of government.

33 Sec. 15. Section 8A.322, subsection 2, Code 2017, is amended  
34 to read as follows:

35 2. Except for buildings and grounds described in section



1 216B.3, subsection 6; [section 2.43](#), unnumbered paragraph 1; and  
2 any buildings under the custody and control of the Iowa public  
3 employees' retirement system, the director shall assign office  
4 space at the capitol, other state buildings, and elsewhere in  
5 the city of Des Moines, and the state laboratories facility  
6 in Ankeny, for all executive and judicial state agencies.  
7 Assignments may be changed at any time. The various officers  
8 to whom rooms have been so assigned may control the same while  
9 the assignment to them is in force. Official apartments shall  
10 be used only for the purpose of conducting the business of the  
11 state. The term "*capitol*" or "*capitol building*" as used in the  
12 Code shall be descriptive of all buildings upon the capitol  
13 grounds. The capitol building itself is reserved for the  
14 operations of the general assembly, and the governor, and, for  
15 ceremonial purposes, for the courts and the. The assignment  
16 and use of physical facilities for the general assembly shall  
17 be pursuant to [section 2.43](#).

18 Sec. 16. Section 8C.7A, subsection 3, paragraph b,  
19 unnumbered paragraph 1, if enacted by 2017 Iowa Acts, Senate  
20 File 431, is amended to read as follows:

21 An authority shall not require a person to apply for or  
22 enter into an individual license, franchise, or other agreement  
23 with the authority or any other entity for the siting of  
24 a small wireless facility on a utility pole located in a  
25 public right-of-way. However, an authority may, through the  
26 conditions set forth in a ~~building~~ permit obtained pursuant to  
27 this subsection, do any of the following:

28 Sec. 17. Section 321N.4, subsection 6, Code 2017, is amended  
29 to read as follows:

30 6. Insurance maintained under [this chapter](#) shall be  
31 provided by an insurer governed by [chapter 515](#) ~~or 518~~, or by  
32 a surplus lines insurer governed by [chapter 515I](#). ~~A surplus~~  
33 ~~lines insurer that issues a policy pursuant to this section~~  
34 ~~shall be considered an insurance carrier duly authorized to~~  
35 ~~transact business in this state for the purposes of chapter~~



1 ~~321A.~~

2     Sec. 18.   SMOKING AND USE OF CERTAIN PRODUCTS — CAPITOL  
3 COMPLEX.

4     1. Pursuant to section 8A.322 and chapter 142D, the  
5 department of administrative services shall adopt rules  
6 prohibiting smoking and the use of alternative nicotine  
7 products, tobacco products, and vapor products in the public  
8 buildings and on the grounds of the capitol complex as follows:  
9     a. Smoking shall be prohibited within the confines of all  
10 buildings operated or owned by the state.

11    b. Smoking shall be prohibited on the grounds of any public  
12 building on the capitol complex.

13    c. The use of alternative nicotine products, tobacco  
14 products, and vapor products shall be prohibited in all spaces  
15 in capitol complex buildings including tunnels and enclosures.

16    d. Use of alternative nicotine products, tobacco products,  
17 and vapor products shall be prohibited on the grounds of the  
18 capitol complex.

19    2. For the purposes of this section:

20    a. "Alternative nicotine product" means as defined in  
21 section 453A.1.

22    b. "Grounds" means an outdoor area of a public building  
23 that is used in connection with the building, including but not  
24 limited to a sidewalk immediately adjacent to the building, a  
25 sitting or standing area immediately adjacent to the building,  
26 a patio, a deck, a curtilage or courtyard, or any other outdoor  
27 area as designated by the person having custody or control of  
28 the public building.

29    c. "Smoking" means as defined in section 142D.2 and also  
30 includes but is not limited to burning or vaporizing tobacco  
31 or other products in a cigarette, cigar, pipe, electronic  
32 cigarette, or any noncombustible product, which may or may  
33 not contain nicotine, that employs a heating element, power  
34 source, electronic circuit, or other electronic, chemical, or  
35 mechanical means, regardless of shape or size, that can be used



1 to produce vapor from a solution or other substance.

2 d. "Tobacco products" means as defined in section 453A.1.

3 e. "Vapor product" means as defined in section 453A.1.

4 Sec. 19. TAX CREDIT INTERIM STUDY COMMITTEE. The  
5 legislative council is requested to appoint an interim  
6 study committee for purposes of studying tax credits and  
7 the contingent liability report issued by the department of  
8 revenue. The committee shall study the ability to refund and  
9 transfer tax credits, the fiscal impact ratio of tax credits,  
10 the rate of growth of tax credits, and the impact tax credits  
11 have on general fund revenue. The committee shall submit a  
12 report that includes recommendations to the members of the  
13 general assembly by December 29, 2017.

14 DIVISION III

15 CORRECTIVE PROVISIONS

16 Sec. 20. Section 22.13A, subsection 5, paragraph b, as  
17 enacted by 2017 Iowa Acts, House File 291, section 51, is  
18 amended to read as follows:

19 b. If paragraph "a", subparagraph (1) or (2) is not  
20 consistent with the provision of a collective bargaining  
21 agreement, a state agency shall provide the individuals  
22 referenced in this subsection, as applicable, with regular  
23 reports regarding any personnel settlement agreements entered  
24 into with state employees by the state agency.

25 Sec. 21. Section 27.1, as enacted by 2017 Iowa Acts, Senate  
26 File 499, section 1, is amended to read as follows:

27 **27.1 Definitions.**

28 ~~1.~~ For purposes of this ~~section~~ chapter:

29 ~~a.~~ 1. "Monitoring device" means a digital video or audio  
30 streaming or recording device that is part of a system of  
31 monitoring activity in an area or building using a system in  
32 which signals are transmitted from a video camera or microphone  
33 to the receivers by cables or wirelessly, forming a closed  
34 circuit.

35 ~~b.~~ 2. "Public hospital" means a hospital licensed pursuant



1 to chapter 135B and governed pursuant to chapter 145A, 263,  
2 347, 347A, or 392.

3 ~~e.~~ 3. "*Public library*" means a library district as  
4 described in chapter 336.

5 ~~d.~~ 4. "*Public school*" means a school district as described  
6 in chapter 274.

7 ~~e.~~ 5. "*Reasonable expectation of privacy*" means a person's  
8 reasonable belief, under the circumstances, that the person can  
9 disrobe or partially disrobe in privacy without being concerned  
10 that the person is being viewed, photographed, or filmed when  
11 doing so.

12 Sec. 22. Section 73A.26, as enacted by 2017 Iowa Acts,  
13 Senate File 438, section 6, is amended to read as follows:

14 **73A.26 Purpose.**

15 The purpose of this ~~chapter~~ subchapter is to provide for  
16 more economical, nondiscriminatory, neutral, and efficient  
17 procurement of construction-related goods and services by this  
18 state and political subdivisions of this state.

19 Sec. 23. Section 80B.19, subsection 2, if enacted by 2017  
20 Iowa Acts, Senate File 509, section 22, is amended to read as  
21 follows:

22 2. Internal training funds in the internal training  
23 clearing fund shall be administered by the academy and shall  
24 consist of moneys collected by the academy from billings issued  
25 in accordance with this chapter ~~80B~~, and any other moneys  
26 obtained or accepted by the academy, including but not limited  
27 to gifts, loans, donations, grants, and contributions, which  
28 are obtained or designated to support the activities of the  
29 academy.

30 Sec. 24. Section 84A.1A, subsection 1, paragraph a,  
31 subparagraph (8), subparagraph division (b), subparagraph  
32 subdivision (iii), as enacted by 2017 Iowa Acts, House File  
33 572, section 1, is amended to read as follows:

34 (iii) Two representatives of community-based organizations  
35 that have demonstrated experience and expertise in addressing



1 the employment, training, or education needs of individuals  
2 with barriers to employment as defined in the federal Workforce  
3 Innovation and Opportunity Act, Pub. L. No. 113-128, §3(24),  
4 including but not limited to organizations that serve veterans,  
5 or that provide or support competitive, integrated employment  
6 for individuals with disabilities; or that serve eligible  
7 youth, as defined in the federal Workforce Innovation and  
8 Opportunity Act, Pub. L. No. 113-128, §3(18), including  
9 representatives of organizations that serve out-of-school  
10 youth, as defined in the federal Workforce Innovation and  
11 Opportunity Act, Pub. L. No. 113-128, §129(a)(1)(B).

12 Sec. 25. Section 225D.1, subsection 8, Code 2017, as amended  
13 by 2017 Iowa Acts, House File 215, section 1, is amended to  
14 read as follows:

15 8. "*Eligible individual*" means a child less than fourteen  
16 years of age who has been diagnosed with autism based on a  
17 diagnostic assessment of autism, is not otherwise eligible for  
18 coverage for applied behavioral analysis treatment or applied  
19 behavior analysis treatment under the medical assistance  
20 program, [section 514C.28](#), [514C.31](#), or other private insurance  
21 coverage, and whose household income does not exceed five  
22 hundred percent of the federal poverty level.

23 Sec. 26. Section 261.9, subsection 2A, paragraph b, if  
24 enacted by 2017 Iowa Acts, House File 642, section 15, is  
25 amended to read as follows:

26 *b.* Is a barber school licensed under section 158.7 or  
27 a school of cosmetology arts and sciences licensed under  
28 chapter 157 and is accredited by a national accrediting agency  
29 recognized by the United States department of education. For  
30 the fiscal year beginning July 1, 2017, an eligible institution  
31 under this paragraph shall provide a matching aggregate amount  
32 of institutional financial aid equal to at least seventy-five  
33 percent of the amount received by the institution's students  
34 for Iowa tuition grant assistance under section 261.16A.  
35 For the fiscal year beginning July 1, 2018, the institution



1 shall provide a matching aggregate amount of institutional  
2 financial aid equal to at least eighty-five percent of the  
3 amount received in that fiscal year. Commencing with the  
4 fiscal year beginning July 1, 2019, and each succeeding fiscal  
5 year, the matching aggregate amount of institutional financial  
6 aid shall be at least equal to the match provided by eligible  
7 institutions under ~~section 261.16A, subsection 2~~ paragraph "a".

8 Sec. 27. 2017 Iowa Acts, House File 488, section 57, as  
9 enacted, is amended by striking the section and inserting in  
10 lieu thereof the following:

11 SEC. 57. Section 455B.474, subsection 2, paragraph a,  
12 subparagraph (1), Code 2017, is amended to read as follows:

13 (1) (a) Financial responsibility required by this  
14 subsection may be established in accordance with rules adopted  
15 by the commission by any one, or any combination, of the  
16 following methods: ~~insurance, guarantee, surety bond, letter~~

17 (i) Insurance.

18 (ii) Guarantee.

19 (iii) Surety bond.

20 (iv) Letter of credit, or qualification.

21 (v) Qualification as a self-insurer.

22 (b) In adopting requirements under **this subsection**, the  
23 commission may specify policy or other contractual terms,  
24 conditions, or defenses which are necessary or are unacceptable  
25 in establishing the evidence of financial responsibility.

26 Sec. 28. 2017 Iowa Acts, House File 642, section 44,  
27 subsection 1, paragraph f, unnumbered paragraph 2, if enacted,  
28 is amended to read as follows:

29 From the moneys appropriated in this lettered paragraph  
30 "f", not more than \$50,000 shall be used by the department ~~for~~  
31 ~~expenses associated with the activities of the secondary career~~  
32 ~~and technical programming task force convened pursuant to this~~  
33 Act to provide statewide support for work-based learning.

34 Sec. 29. 2017 Iowa Acts, House File 642, section 52,  
35 subsection 4, paragraph c, subparagraph (4), is amended to read



1 as follows:

2 (4) Notwithstanding section 8.33, of the moneys  
3 appropriated in this paragraph "c" that remain unencumbered  
4 or unobligated at the close of the fiscal year, an amount  
5 equivalent to not more than 5 percent of the amount  
6 appropriated in this paragraph "c" shall not revert ~~by~~ but  
7 shall remain available for expenditure for summer programs for  
8 students until the close of the succeeding fiscal year.

9 Sec. 30. 2017 Iowa Acts, House File 642, section 55,  
10 subsection 1, paragraph f, unnumbered paragraph 2, if enacted,  
11 is amended to read as follows:

12 From the moneys appropriated in this lettered paragraph  
13 "f", not more than \$25,000 shall be used by the department ~~for~~  
14 ~~expenses associated with the activities of the secondary career~~  
15 ~~and technical programming task force convened pursuant to this~~  
16 ~~Act to provide statewide support for work-based learning.~~

17 Sec. 31. 2017 Iowa Acts, Senate File 510, section 22,  
18 subsection 1, if enacted, is amended to read as follows:

19 1. Notwithstanding section 466A.2, and the repeal of  
20 chapter 466A as provided in this division of this Act, on and  
21 after December 31, 2017, the department of agriculture and  
22 land stewardship shall manage moneys credited to the watershed  
23 improvement fund in the same manner as required in 2016  
24 Acts, chapter 1134, section 35, including by making necessary  
25 payments to satisfy any outstanding obligations incurred by the  
26 watershed improvement review board prior to December 31, 2017.

27 Sec. 32. EFFECTIVE UPON ENACTMENT. The following sections  
28 of this division of this Act, being deemed of immediate  
29 importance, take effect upon enactment:

30 1. The section of this division of this Act amending section  
31 22.13A, subsection 5, paragraph "b".

32 2. The section of this division of this Act amending section  
33 73A.26.

34 3. The section of this division of this Act amending  
35 section 84A.1A, subsection 1, paragraph "a", subparagraph (8),



1 subparagraph division (b), subparagraph subdivision (iii).

2     Sec. 33. EFFECTIVE DATE. The section of this division of  
3 this Act amending section 225D.1, subsection 8, takes effect  
4 January 1, 2018.

5                                   DIVISION IV

6                                   WEAPONS

7     Sec. 34. Section 724.2A, as enacted by 2017 Iowa Acts, House  
8 File 517, section 5, is amended to read as follows:

9         **724.2A Peace officer and reserve peace officer — defined.**

10     As used in [sections 724.4, 724.6, and 724.11](#), *"peace officer"*  
11 ~~means a certified "peace officer" and~~ includes a reserve peace  
12 officer as defined in [section 80D.1A](#).

13     Sec. 35. Section 724.4C, subsection 1, unnumbered paragraph  
14 1, as enacted by 2017 Iowa Acts, House File 517, section 8, is  
15 amended to read as follows:

16     Except as provided in subsection 2, a person commits a  
17 serious misdemeanor if the person is intoxicated as provided  
18 under the conditions set out in section 321J.2, subsection  
19 1, paragraph "a", "b", or "c", and the person does any of the  
20 following:

21     Sec. 36. Section 724.17, subsection 1, as enacted by 2017  
22 Iowa Acts, House File 517, section 22, is amended to read as  
23 follows:

24     1. The application for a permit to acquire pistols or  
25 revolvers may be made to the sheriff of the county of the  
26 applicant's residence and shall be on a form prescribed  
27 and published by the commissioner of public safety. The  
28 application shall require only the full name of the applicant,  
29 the driver's license or nonoperator's identification card  
30 number of the applicant, the residence of the applicant, and  
31 the date and place of birth of the applicant, and whether the  
32 applicant meets the criteria specified in section 724.15.

33 The applicant shall also display an identification card that  
34 bears a distinguishing number assigned to the cardholder, the  
35 full name, date of birth, sex, residence address, and brief



1 description and color photograph of the cardholder, or other  
2 identification as specified by rule of the department of public  
3 safety. The sheriff shall conduct a criminal history check  
4 concerning each applicant by obtaining criminal history data  
5 from the department of public safety which shall include an  
6 inquiry of the national instant criminal background check  
7 system maintained by the federal bureau of investigation or any  
8 successor agency. A person who makes what the person knows  
9 to be a false statement of material fact on an application  
10 submitted under this section or who submits what the person  
11 knows to be any materially falsified or forged documentation in  
12 connection with such an application commits a class "D" felony.

13 Sec. 37. Section 724.22, subsection 9, as enacted by 2017  
14 Iowa Acts, House File 517, section 29, is amended to read as  
15 follows:

16 9. A parent, guardian, spouse, or instructor, who knowingly  
17 provides direct supervision under subsection 5, of a person  
18 while intoxicated as provided under the conditions set out  
19 in section 321J.2, subsection 1, ~~or under the influence of~~  
20 ~~an illegal drug~~ paragraph "a", "b", or "c", commits child  
21 endangerment in violation of section 726.6, subsection 1,  
22 paragraph "i".

23 Sec. 38. Section 726.6, subsection 1, paragraph i, as  
24 enacted by 2017 Iowa Acts, House File 517, section 30, is  
25 amended to read as follows:

26 i. Knowingly provides direct supervision of a person under  
27 section 724.22, subsection 5, while intoxicated as provided  
28 under the conditions set out in section 321J.2, subsection 1,  
29 ~~or under the influence of an illegal drug~~ paragraph "a", "b",  
30 or "c".

31 Sec. 39. 2017 Iowa Acts, House File 517, section 50,  
32 subsection 1, as enacted, is amended to read as follows:

33 1. The ~~section~~ sections of this Act amending ~~section~~  
34 sections 724.22 and 726.6.

35 Sec. 40. REPEAL. 2017 Iowa Acts, House File 517, section



1 16, as enacted, is repealed.

2 Sec. 41. EFFECTIVE UPON ENACTMENT. The section of this  
3 division of this Act amending 2017 Iowa Acts, House File 517,  
4 section 50, subsection 1, being deemed of immediate importance,  
5 takes effect upon enactment.

6 Sec. 42. RETROACTIVE APPLICABILITY. The section of this  
7 division of this Act amending 2017 Iowa Acts, House File 517,  
8 section 50, subsection 1, applies retroactively to April 13,  
9 2017.

10

#### DIVISION V

11

#### VAPOR AND ALTERNATIVE NICOTINE PRODUCTS — TAX

12 Sec. 43. Section 453A.1, Code 2017, is amended by adding the  
13 following new subsection:

14 NEW SUBSECTION. 7A. "*Delivery sale*" means any sale of  
15 an alternative nicotine product or a vapor product to a  
16 purchaser in this state where the purchaser submits the order  
17 for such sale by means of a telephonic or other method of  
18 voice transmission, mail or any other delivery service, or the  
19 internet or other online service and the alternative nicotine  
20 product or vapor product is delivered by use of mail or a  
21 delivery service. The sale of an alternative nicotine product  
22 or vapor product shall constitute a delivery sale regardless of  
23 whether the seller is located in this state. "*Delivery sale*"  
24 does not include a sale to a distributor or retailer of any  
25 alternative nicotine product or vapor product not for personal  
26 consumption.

27 Sec. 44. Section 453A.1, subsection 20, Code 2017, is  
28 amended to read as follows:

29 20. "*Place of business*" is construed to mean and include any  
30 place where cigarettes are sold or where cigarettes are stored  
31 within or without the state of Iowa by the holder of an Iowa  
32 permit or kept for the purpose of sale or consumption; or if  
33 sold from any vehicle or train, the vehicle or train on which  
34 or from which such cigarettes are sold shall constitute a place  
35 of business; or for a business within or without the state that



1 conducts delivery sales, any place where alternative nicotine  
2 products or vapor products are sold or where alternative  
3 nicotine products or vapor products are kept for the purpose  
4 of sale.

5 Sec. 45. Section 453A.13, subsection 1, Code 2017, is  
6 amended to read as follows:

7 1. *Permits required.* Every distributor, wholesaler,  
8 cigarette vendor, and retailer, now engaged or who desires to  
9 become engaged in the sale or use of cigarettes, upon which a  
10 tax is required to be paid, and every retailer now engaged or  
11 who desires to become engaged in selling, offering for sale, or  
12 distributing alternative nicotine products or vapor products,  
13 including through delivery sales, shall obtain a state or  
14 retail permit as a distributor, wholesaler, cigarette vendor,  
15 or retailer, as the case may be.

16 Sec. 46. Section 453A.13, subsection 2, paragraph a, Code  
17 2017, is amended to read as follows:

18 a. The department shall issue state permits to distributors,  
19 wholesalers, and cigarette vendors and retailers that make  
20 delivery sales of alternative nicotine products and vapor  
21 products subject to the conditions provided in [this division](#).  
22 If an out-of-state retailer makes delivery sales of alternative  
23 nicotine products or vapor products, an application shall be  
24 filed with the department and a permit shall be issued for the  
25 out-of-state retailer's principal place of business. Cities  
26 may issue retail permits to ~~dealers~~ retailers with a place of  
27 business located within their respective limits. County boards  
28 of supervisors may issue retail permits to ~~dealers~~ retailers  
29 with a place of business in their respective counties, outside  
30 of the corporate limits of cities.

31 Sec. 47. Section 453A.42, Code 2017, is amended by adding  
32 the following new subsection:

33 NEW SUBSECTION. 2A. "*Delivery sale*" means any sale of  
34 an alternative nicotine product or a vapor product to a  
35 purchaser in this state where the purchaser submits the order



1 for such sale by means of a telephonic or other method of  
2 voice transmission, mail or any other delivery service, or the  
3 internet or other online service and the alternative nicotine  
4 product or vapor product is delivered by use of mail or a  
5 delivery service. The sale of an alternative nicotine product  
6 or vapor product shall constitute a delivery sale regardless of  
7 whether the seller is located in this state. *"Delivery sale"*  
8 does not include a sale to a distributor or retailer of any  
9 alternative nicotine product or vapor product not for personal  
10 consumption.

11 Sec. 48. Section 453A.42, subsection 8, Code 2017, is  
12 amended to read as follows:

13 8. *"Place of business"* means any place where tobacco  
14 products are sold or where tobacco products are manufactured,  
15 stored, or kept for the purpose of sale or consumption,  
16 including any vessel, vehicle, airplane, train, or vending  
17 machine; or for a business within or without the state that  
18 conducts delivery sales, any place where alternative nicotine  
19 products or vapor products are sold or where alternative  
20 nicotine products or vapor products are kept for the purpose of  
21 sale, including delivery sales.

22 Sec. 49. Section 453A.47A, subsections 1, 3, and 6, Code  
23 2017, are amended to read as follows:

24 1. *Permits required.* A person shall not engage in  
25 the business of a retailer of tobacco, tobacco products,  
26 alternative nicotine products, or vapor products at any place  
27 of business, or through delivery sales, without first having  
28 received a permit as a retailer.

29 3. *Number of permits.* An application shall be filed and a  
30 permit obtained for each place of business owned or operated by  
31 a retailer located in the state. If an out-of-state retailer  
32 makes delivery sales of alternative nicotine products or vapor  
33 products, an application shall be filed with the department  
34 and a permit shall be issued for the out-of-state retailer's  
35 principal place of business.



1     6. *Issuance.* Cities ~~shall~~ may issue retail permits to  
2 retailers located within their respective limits. County  
3 boards of supervisors ~~shall~~ may issue retail permits to  
4 retailers located in their respective counties, outside of the  
5 corporate limits of cities. The city or county shall submit a  
6 duplicate of any application for a retail permit and any retail  
7 permit issued by the entity under this section to the alcoholic  
8 beverages division of the department of commerce within thirty  
9 days of issuance. The alcoholic beverages division of the  
10 department of commerce shall submit the current list of all  
11 retail permits issued to the Iowa department of public health  
12 by the first day of each quarter of a state fiscal year.

13     Sec. 50. NEW SECTION. **453A.47B Requirements for mailing or**  
14 **shipping — alternative nicotine products or vapor products.**

15     A retailer shall not mail, ship, or otherwise cause to be  
16 delivered any alternative nicotine product or vapor product in  
17 connection with a delivery sale unless all of the following  
18 apply:

19     1. Prior to sale to the purchaser, the retailer verifies  
20 that the purchaser is at least eighteen years of age through or  
21 by one of the following:

22     a. A commercially available database, or aggregate of  
23 databases, that is regularly used by government and businesses  
24 for the purpose of age and identity verification.

25     b. Obtaining a copy of a valid government-issued document  
26 that provides the name, address, and date of birth of the  
27 purchaser.

28     2. The retailer uses a method of mailing, shipping, or  
29 delivery that requires the signature of a person who is at  
30 least eighteen years of age before the shipping package is  
31 released to the purchaser.

32     Sec. 51. NEW SECTION. **453A.47C Sales and use tax on**  
33 **delivery sales — alternative nicotine products or vapor**  
34 **products.**

35     1. A delivery sale of alternative nicotine products or vapor



1 products within this state shall be subject to the sales tax  
2 provided in chapter 423, subchapter II.

3 2. The use in this state of alternative nicotine products  
4 or vapor products purchased for use in this state through a  
5 delivery sale shall be subject to the use tax provided in  
6 chapter 423, subchapter III.

7 3. A retailer required to possess or possessing a permit  
8 under section 453A.13 or 453A.47A to make delivery sales of  
9 alternative nicotine products or vapor products within this  
10 state shall be deemed to have waived all claims that such  
11 retailer lacks physical presence within this state for purposes  
12 of collecting and remitting sales and use tax.

13 4. A retailer making taxable delivery sales of alternative  
14 nicotine products or vapor products within this state shall  
15 remit to the department all sales and use tax due on such sales  
16 at the times and in the manner provided by chapter 423.

17 5. The director shall adopt rules pursuant to chapter 17A to  
18 administer this section.

#### 19 DIVISION VI

#### 20 SECURE AN ADVANCED VISION FOR EDUCATION FUND

21 Sec. 52. Section 423.2, subsection 11, paragraph b,  
22 subparagraph (3), Code 2017, is amended to read as follows:

23 (3) Transfer one-sixth of the remaining revenues to the  
24 secure an advanced vision for education fund created in section  
25 423F.2. This subparagraph (3) is repealed ~~December 31, 2029~~  
26 effective January 1, 2050.

27 Sec. 53. Section 423.2, subsection 14, Code 2017, is amended  
28 to read as follows:

29 14. The sales tax rate of six percent is reduced to five  
30 percent on January 1, ~~2030~~ 2050.

31 Sec. 54. Section 423.5, subsection 5, Code 2017, is amended  
32 to read as follows:

33 5. The use tax rate of six percent is reduced to five  
34 percent on January 1, ~~2030~~ 2050.

35 Sec. 55. Section 423.43, subsection 1, paragraph b, Code



1 2017, is amended to read as follows:

2     **b.** Subsequent to the deposit into the general fund of  
3 the state and after the transfer of such revenues collected  
4 under **chapter 423B**, the department shall transfer one-sixth of  
5 such remaining revenues to the secure an advanced vision for  
6 education fund created in **section 423F.2**. This paragraph is  
7 repealed ~~December 31, 2029~~ effective January 1, 2050.

8     Sec. 56. Section 423F.6, Code 2017, is amended to read as  
9 follows:

10     **423F.6 Repeal.**

11     This chapter is repealed ~~December 31, 2029~~ effective January  
12 1, 2050.

13                                   DIVISION VII

14                   MEDICAID MANAGED CARE CONTRACTS

15     Sec. 57. TERMINATION OF MEDICAID MANAGED CARE CONTRACTS —  
16 TRANSITION TO ALTERNATIVES FOR HEALTH CARE DELIVERY AND PAYMENT  
17 REFORM.

18     1. The department of human services shall, upon the  
19 effective date of this Act, provide thirty days' written notice  
20 in accordance with the termination provisions of the contract  
21 to each managed care organization with whom the department  
22 executed a contract to administer the Medicaid managed care  
23 program, to terminate all such contracts effective six months  
24 from the effective date of this Act.

25     2. The department shall pursue initiatives to transition  
26 the Medicaid program from the managed care model, effective  
27 upon the date of termination of the Medicaid managed care  
28 contracts, to a health care delivery system and value-based  
29 model of payment that provides holistic, integrated,  
30 patient-centered care, best meets the needs of the specific  
31 Medicaid population, ensures sufficient access by members to  
32 providers and services, provides adequate reimbursement to  
33 providers of services and supports, improves each member's  
34 experience of care, and ensures positive outcomes.

35     Sec. 58. EFFECTIVE UPON ENACTMENT. This division of this



1 Act, being deemed of immediate importance, takes effect upon  
2 enactment.

3 DIVISION VIII

4 MEDICAL CANNABIS

5 Sec. 59. Section 124.204, subsection 4, paragraphs m and u,  
6 Code 2017, are amended by striking the paragraphs.

7 Sec. 60. Section 124.204, subsection 7, Code 2017, is  
8 amended by striking the subsection.

9 Sec. 61. Section 124.206, subsection 7, Code 2017, is  
10 amended to read as follows:

11 7. *Hallucinogenic substances.* Unless specifically excepted  
12 or unless listed in another schedule, any material, compound,  
13 mixture, or preparation which contains any quantity of the  
14 following substances, or, for purposes of paragraphs "a" and  
15 "b", which contains any of its salts, isomers, or salts of  
16 isomers whenever the existence of such salts, isomers, or salts  
17 of isomers is possible within the specific chemical designation  
18 (for purposes of this paragraph only, the term "isomer"  
19 includes the optical, positional, and geometric isomers):

20 a. ~~Marijuana when used for medicinal purposes pursuant to~~  
21 ~~rules of the board.~~

22 b. Tetrahydrocannabinols, meaning tetrahydrocannabinols  
23 naturally contained in a plant of the genus cannabis (cannabis  
24 plant) as well as synthetic equivalents of the substances  
25 contained in the cannabis plant, or in the resinous extractives  
26 of such plant, and synthetic substances, derivatives, and their  
27 isomers with similar chemical structure and pharmacological  
28 activity to those substances contained in the plant, such as  
29 the following:

30 (1) 1 cis or trans tetrahydrocannabinol, and their optical  
31 isomers.

32 (2) 6 cis or trans tetrahydrocannabinol, and their optical  
33 isomers.

34 (3) 3,4 cis or trans tetrahydrocannabinol, and their  
35 optical isomers. (Since nomenclature of these substances



1 is not internationally standardized, compounds of these  
2 structures, regardless of numerical designation of atomic  
3 positions covered.)

4 ~~b.~~ c. Nabilone [another name for nabilone: (+-) -  
5 trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-  
6 hydroxy-6,6-dimethyl-9H-dibenzo[b,d]pyran-9-one].

7 Sec. 62. Section 124.401, subsection 5, unnumbered  
8 paragraph 3, Code 2017, is amended to read as follows:

9 A person may knowingly or intentionally recommend, possess,  
10 use, dispense, deliver, transport, or administer ~~cannabidiol~~  
11 medical cannabis if the recommendation, possession, use,  
12 dispensing, delivery, transporting, or administering is in  
13 accordance with the provisions of [chapter 124D 124E](#). For  
14 purposes of this paragraph, ~~"cannabidiol"~~ "medical cannabis"  
15 means the same as defined in [section 124D.2 124E.2](#).

16 Sec. 63. NEW SECTION. 124E.1 Short title.

17 This chapter shall be known and may be cited as the  
18 *"Compassionate Use of Medical Cannabis Act"*.

19 Sec. 64. NEW SECTION. 124E.2 Definitions.

20 As used in this chapter:

21 1. *"Debilitating medical condition"* means any of the  
22 following:

23 a. Cancer, if the underlying condition or treatment produces  
24 one or more of the following:

- 25 (1) Intractable pain.
- 26 (2) Nausea or severe vomiting.
- 27 (3) Cachexia or severe wasting.

28 b. Multiple sclerosis.

29 c. Epilepsy or seizure disorders.

30 d. AIDS or HIV as defined in section 141A.1.

31 e. Glaucoma.

32 f. Hepatitis C.

33 g. Crohn's disease or ulcerative colitis.

34 h. Amyotrophic lateral sclerosis.

35 i. Ehlers-Danlos syndrome.



- 1     *j.* Post-traumatic stress disorder.
- 2     *k.* Tourette's syndrome.
- 3     1. Any terminal illness, with a probable life expectancy of
- 4 under one year, if the illness or its treatment produces one or
- 5 more of the following:
- 6     (1) Intractable pain.
- 7     (2) Nausea or severe vomiting.
- 8     (3) Cachexia or severe wasting.
- 9     *m.* Intractable pain.
- 10    *n.* Parkinson's disease.
- 11    *o.* Muscular dystrophy.
- 12    *p.* Huntington's disease.
- 13    *q.* Alzheimer's disease.
- 14    *r.* Complex regional pain syndrome, type I and II.
- 15    *s.* Rheumatoid arthritis.
- 16    *t.* Polyarteritis nodosa.
- 17    *u.* Any other chronic or debilitating disease or medical
- 18 condition or its medical treatment approved by the department
- 19 pursuant to rule.
- 20    2. "*Department*" means the department of public health.
- 21    3. "*Disqualifying felony offense*" means a violation under
- 22 federal or state law of a felony offense, which has as an
- 23 element the possession, use, or distribution of a controlled
- 24 substance, as defined in 21 U.S.C. §802(6).
- 25    4. "*Enclosed, locked facility*" means a closet, room,
- 26 greenhouse, or other enclosed area equipped with locks or
- 27 other security devices that permit access only by authorized
- 28 personnel.
- 29    5. "*Health care practitioner*" means an individual licensed
- 30 under chapter 148 to practice medicine and surgery or
- 31 osteopathic medicine and surgery or an individual licensed to
- 32 practice medicine in any other state who provides specialty
- 33 care for an Iowa resident for one or more of the debilitating
- 34 medical conditions provided in this chapter.
- 35    6. "*Intractable pain*" means a pain in which the cause of the



1 pain cannot be removed or otherwise treated with the consent  
2 of the patient and which, in the generally accepted course of  
3 medical practice, no relief or cure of the cause of the pain  
4 is possible, or none has been found after reasonable efforts.  
5 Reasonable efforts for relieving or curing the cause of the  
6 pain may be determined on the basis of but are not limited to  
7 any of the following:

8     *a.* When treating a nonterminally ill patient for intractable  
9 pain, evaluation by the attending physician and one or more  
10 physicians specializing in pain medicine or the treatment of  
11 the area, system, or organ of the body perceived as the source  
12 of the pain.

13     *b.* When treating a terminally ill patient, evaluation by  
14 the attending physician who does so in accordance with the  
15 level of care, skill, and treatment that would be recognized  
16 by a reasonably prudent physician under similar conditions and  
17 circumstances.

18     7. "*Medical cannabis*" means any species of the genus  
19 cannabis plant, or any mixture or preparation of them,  
20 including whole plant extracts and resins.

21     8. "*Medical cannabis dispensary*" means an entity licensed  
22 under section 124E.8 that acquires medical cannabis from a  
23 medical cannabis manufacturer in this state for the purpose  
24 of dispensing medical cannabis in this state pursuant to this  
25 chapter.

26     9. "*Medical cannabis manufacturer*" means an entity licensed  
27 under section 124E.6 to manufacture and to possess, cultivate,  
28 transport, or supply medical cannabis pursuant to the  
29 provisions of this chapter.

30     10. "*Primary caregiver*" means a person, at least eighteen  
31 years of age, who has been designated by a patient's health  
32 care practitioner or a person having custody of a patient, as  
33 a necessary caretaker taking responsibility for managing the  
34 well-being of the patient with respect to the use of medical  
35 cannabis pursuant to the provisions of this chapter.



1     11. *“Written certification”* means a document signed by a  
2 health care practitioner, with whom the patient has established  
3 a patient-provider relationship, which states that the patient  
4 has a debilitating medical condition and identifies that  
5 condition and provides any other relevant information.

6     Sec. 65. NEW SECTION. 124E.3 Health care practitioner  
7 certification — duties.

8     1. Prior to a patient’s submission of an application for a  
9 medical cannabis registration card pursuant to section 124E.4,  
10 a health care practitioner shall do all of the following:

11     a. Determine, in the health care practitioner’s medical  
12 judgment, whether the patient whom the health care practitioner  
13 has examined and treated suffers from a debilitating medical  
14 condition that qualifies for the use of medical cannabis under  
15 this chapter, and if so determined, provide the patient with a  
16 written certification of that diagnosis.

17     b. Provide explanatory information as provided by the  
18 department to the patient about the therapeutic use of medical  
19 cannabis.

20     c. Determine, on an annual basis, if the patient continues  
21 to suffer from a debilitating medical condition and, if so,  
22 issue the patient a new certification of that diagnosis. This  
23 paragraph shall not apply if the patient is suffering from an  
24 incurable debilitating medical condition.

25     d. Otherwise comply with all requirements established by the  
26 department pursuant to rule.

27     2. A health care practitioner may provide, but has no duty  
28 to provide, a written certification pursuant to this section.

29     Sec. 66. NEW SECTION. 124E.4 Medical cannabis registration  
30 card.

31     1. *Issuance to patient.* The department may approve the  
32 issuance of a medical cannabis registration card by the  
33 department of transportation to a patient who:

34     a. Is at least eighteen years of age.

35     b. Is a permanent resident of this state.



1     *c.* Submits a written certification to the department signed  
2 by the patient's health care practitioner that the patient is  
3 suffering from a debilitating medical condition.

4     *d.* Submits an application to the department, on a form  
5 created by the department, in consultation with the department  
6 of transportation, that contains all of the following:

7       (1) The patient's full name, Iowa residence address, date  
8 of birth, and telephone number.

9       (2) A copy of the patient's valid photograph  
10 identification.

11       (3) Full name, address, and telephone number of the  
12 patient's health care practitioner.

13       (4) Full name, residence address, date of birth, and  
14 telephone number of each primary caregiver of the patient, if  
15 any.

16       (5) Any other information required by rule.

17     *e.* Submits a medical cannabis registration card fee of one  
18 hundred dollars to the department. If the patient attests to  
19 receiving social security disability benefits, supplemental  
20 security insurance payments, or being enrolled in the medical  
21 assistance program, the fee shall be twenty-five dollars.

22     2. *Patient card contents.* A medical cannabis registration  
23 card issued to a patient by the department of transportation  
24 pursuant to subsection 1 shall contain, at a minimum, all of  
25 the following:

26       *a.* The patient's full name, Iowa residence address, and date  
27 of birth.

28       *b.* The patient's photograph.

29       *c.* The date of issuance and expiration of the registration  
30 card.

31       *d.* Any other information required by rule.

32     3. *Issuance to primary caregiver.* For a patient in a  
33 primary caregiver's care, the department may approve the  
34 issuance of a medical cannabis registration card by the  
35 department of transportation to the primary caregiver who:



1     *a.* Submits a written certification to the department signed  
2 by the patient's health care practitioner that the patient in  
3 the primary caregiver's care is suffering from a debilitating  
4 medical condition.

5     *b.* Submits an application to the department, on a form  
6 created by the department, in consultation with the department  
7 of transportation, that contains all of the following:

8         (1) The primary caregiver's full name, residence address,  
9 date of birth, and telephone number.

10        (2) The patient's full name.

11        (3) A copy of the primary caregiver's valid photograph  
12 identification.

13        (4) Full name, address, and telephone number of the  
14 patient's health care practitioner.

15        (5) Any other information required by rule.

16     *c.* Submits a medical cannabis registration card fee of  
17 twenty-five dollars to the department.

18     4. *Primary caregiver card contents.* A medical cannabis  
19 registration card issued by the department of transportation to  
20 a primary caregiver pursuant to subsection 3 shall contain, at  
21 a minimum, all of the following:

22        *a.* The primary caregiver's full name, residence address, and  
23 date of birth.

24        *b.* The primary caregiver's photograph.

25        *c.* The date of issuance and expiration of the registration  
26 card.

27        *d.* The registration card number of each patient in the  
28 primary caregiver's care. If the patient in the primary  
29 caregiver's care is under the age of eighteen, the full name of  
30 the patient's parent or legal guardian.

31        *e.* Any other information required by rule.

32     5. *Expiration date of card.* A medical cannabis registration  
33 card issued pursuant to this section shall expire one year  
34 after the date of issuance and may be renewed.

35     6. *Card issuance — department of transportation.*



1     *a.* The department may enter into a chapter 28E agreement  
2 with the department of transportation to facilitate the  
3 issuance of medical cannabis registration cards pursuant to  
4 subsections 1 and 3.

5     *b.* The department of transportation may issue renewal  
6 medical cannabis registration cards through an online or  
7 in-person process.

8     Sec. 67. NEW SECTION. 124E.5 Medical advisory board —  
9 duties.

10     1. No later than August 15, 2017, the director of public  
11 health shall establish a medical advisory board consisting of  
12 nine practitioners representing the fields of neurology, pain  
13 management, gastroenterology, oncology, psychiatry, pediatrics,  
14 infectious disease, family medicine, and pharmacy, and three  
15 patients or primary caregivers with valid medical cannabis  
16 registration cards. The practitioners shall be nationally  
17 board-certified in their area of specialty and knowledgeable  
18 about the use of medical cannabis.

19     2. A quorum of the advisory board shall consist of seven  
20 members.

21     3. The duties of the advisory board shall include but not be  
22 limited to the following:

23     *a.* Reviewing and recommending to the department for  
24 approval additional chronic or debilitating diseases or  
25 medical conditions or their treatments as debilitating medical  
26 conditions that qualify for the use of medical cannabis under  
27 this chapter.

28     *b.* Accepting and reviewing petitions to add chronic or  
29 debilitating diseases or medical conditions or their medical  
30 treatments to the list of debilitating medical conditions that  
31 qualify for the use of medical cannabis under this chapter.

32     *c.* Working with the department regarding the requirements  
33 for the licensure of medical cannabis manufacturers and medical  
34 cannabis dispensaries, including licensure procedures.

35     *d.* Advising the department regarding the location of



1 medical cannabis dispensaries throughout the state, the form  
2 and quantity of allowable medical cannabis to be dispensed  
3 to a patient or primary caregiver, and the general oversight  
4 of medical cannabis manufacturers and medical cannabis  
5 dispensaries in this state.

6     *e.* Convening at least twice per year to conduct public  
7 hearings and to review and recommend for approval petitions,  
8 which shall be maintained as confidential personal health  
9 information, to add chronic or debilitating diseases or  
10 medical conditions or their medical treatments to the list of  
11 debilitating medical conditions that qualify for the use of  
12 medical cannabis under this chapter.

13     *f.* Recommending improvements relating to the effectiveness  
14 of the provisions of this chapter.

15     *g.* In making recommendations pursuant to this section,  
16 consideration of the economic and financial impacts on patients  
17 and the medical cannabis industry, and making recommendations  
18 that minimize the extent of such impacts to the greatest extent  
19 practicable.

20     Sec. 68. NEW SECTION. **124E.6 Medical cannabis manufacturer**  
21 **licensure.**

22     1. *a.* The department shall license up to four medical  
23 cannabis manufacturers to manufacture medical cannabis within  
24 this state consistent with the provisions of this chapter by  
25 December 1, 2017. The department shall license new medical  
26 cannabis manufacturers or relicense the existing medical  
27 cannabis manufacturers by December 1 of each year.

28     *b.* Information submitted during the application process  
29 shall be confidential until the medical cannabis manufacturer  
30 is licensed by the department unless otherwise protected from  
31 disclosure under state or federal law.

32     2. As a condition for licensure, a medical cannabis  
33 manufacturer must agree to begin supplying medical cannabis to  
34 medical cannabis dispensaries in this state by July 2, 2018.

35     3. The department shall consider the following factors in



1 determining whether to license a medical cannabis manufacturer:  
2     *a.* The technical expertise of the medical cannabis  
3 manufacturer regarding medical cannabis.  
4     *b.* The qualifications of the medical cannabis manufacturer's  
5 ownership and management team.  
6     *c.* The long-term financial stability of the medical cannabis  
7 manufacturer.  
8     *d.* The ability to provide appropriate security measures on  
9 the premises of the medical cannabis manufacturer.  
10    *e.* Whether the medical cannabis manufacturer has  
11 demonstrated an ability to meet certain medical cannabis  
12 production needs for medical use regarding the range of  
13 recommended dosages for each debilitating medical condition,  
14 the range of chemical compositions of any plant of the genus  
15 cannabis that will likely be medically beneficial for each  
16 of the debilitating medical conditions, and the form of the  
17 medical cannabis in the manner determined by the department  
18 pursuant to rule.  
19    *f.* The medical cannabis manufacturer's projection of and  
20 ongoing assessment of fees on patients with debilitating  
21 medical conditions.  
22    *g.* The medical cannabis manufacturer's experience in medical  
23 cannabis production, plant extraction, and pharmaceutical  
24 formulations.  
25    4. The department shall require each medical cannabis  
26 manufacturer to contract with a laboratory approved by the  
27 department to test the medical cannabis produced by the  
28 manufacturer. The department shall require that the laboratory  
29 report testing results to the manufacturer in a manner  
30 determined by the department pursuant to rule.  
31    5. Each entity submitting an application for licensure  
32 as a medical cannabis manufacturer shall pay a nonrefundable  
33 application fee of fifteen thousand dollars to the department.  
34    Sec. 69. NEW SECTION. 124E.7 Medical cannabis  
35 manufacturers.



1     1. A medical cannabis manufacturer shall contract with a  
2 laboratory approved by the department for purposes of testing  
3 the medical cannabis manufactured by the medical cannabis  
4 manufacturer as to content, contamination, and consistency.  
5 The cost of all laboratory testing shall be paid by the medical  
6 cannabis manufacturer.

7     2. The operating documents of a medical cannabis  
8 manufacturer shall include all of the following:

9     a. Procedures for the oversight of the medical cannabis  
10 manufacturer and procedures to ensure accurate recordkeeping.

11    b. Procedures for the implementation of appropriate security  
12 measures to deter and prevent the theft of medical cannabis and  
13 unauthorized entrance into areas containing medical cannabis.

14    3. A medical cannabis manufacturer shall implement security  
15 requirements, including requirements for protection of each  
16 location by a fully operational security alarm system, facility  
17 access controls, perimeter intrusion detection systems, and a  
18 personnel identification system.

19    4. A medical cannabis manufacturer shall not share  
20 office space with, refer patients to, or have any financial  
21 relationship with a health care practitioner.

22    5. A medical cannabis manufacturer shall not permit any  
23 person to consume medical cannabis on the property of the  
24 medical cannabis manufacturer.

25    6. A medical cannabis manufacturer is subject to reasonable  
26 inspection by the department.

27    7. A medical cannabis manufacturer shall not employ a  
28 person who is under eighteen years of age or who has been  
29 convicted of a disqualifying felony offense. An employee  
30 of a medical cannabis manufacturer shall be subject to a  
31 background investigation conducted by the division of criminal  
32 investigation of the department of public safety and a national  
33 criminal history background check.

34    8. A medical cannabis manufacturer shall not operate in any  
35 location, whether for manufacturing, cultivating, harvesting,



1 packaging, or processing, within one thousand feet of a public  
2 or private school existing before the date of the medical  
3 cannabis manufacturer's licensure by the department.

4 9. A medical cannabis manufacturer shall comply with  
5 reasonable restrictions set by the department relating to  
6 signage, marketing, display, and advertising of medical  
7 cannabis.

8 10. *a.* A medical cannabis manufacturer shall provide a  
9 reliable and ongoing supply of medical cannabis to medical  
10 cannabis dispensaries pursuant to this chapter.

11 *b.* All manufacturing, cultivating, harvesting, packaging,  
12 and processing of medical cannabis shall take place in an  
13 enclosed, locked facility at a physical address provided to the  
14 department during the licensure process.

15 *c.* A medical cannabis manufacturer shall not manufacture  
16 edible medical cannabis products utilizing food coloring.

17 *d.* A medical cannabis manufacturer shall manufacture a  
18 reliable and ongoing supply of medical cannabis to treat every  
19 debilitating medical condition listed in this chapter.

20 11. The department shall establish and collect an annual  
21 fee from a medical cannabis manufacturer not to exceed the cost  
22 of regulating and inspecting the manufacturer in the calendar  
23 year.

24 Sec. 70. NEW SECTION. 124E.8 Medical cannabis dispensary  
25 licensure.

26 1. *a.* The department shall license by April 2, 2018, twelve  
27 medical cannabis dispensaries to dispense medical cannabis  
28 within this state consistent with the provisions of this  
29 chapter. The department shall license new medical cannabis  
30 dispensaries or relicense the existing medical cannabis  
31 dispensaries by December 1 of each year.

32 *b.* Information submitted during the application process  
33 shall be confidential until the medical cannabis dispensary  
34 is licensed by the department unless otherwise protected from  
35 disclosure under state or federal law.



1     2. As a condition for licensure, a medical cannabis  
2 dispensary must agree to begin supplying medical cannabis to  
3 patients by July 16, 2018.

4     3. The department shall consider the following factors in  
5 determining whether to license a medical cannabis dispensary:  
6     a. The technical expertise of the medical cannabis  
7 dispensary regarding medical cannabis.  
8     b. The qualifications of the medical cannabis dispensary's  
9 owners and management team.  
10    c. The long-term financial stability of the medical cannabis  
11 dispensary.  
12    d. The ability to provide appropriate security measures on  
13 the premises of the medical cannabis dispensary.  
14    e. The medical cannabis dispensary's projection and ongoing  
15 assessment of fees for the purchase of medical cannabis on  
16 patients with debilitating medical conditions.

17    4. Each entity submitting an application for licensure  
18 as a medical cannabis dispensary shall pay a nonrefundable  
19 application fee of fifteen thousand dollars to the department.

20    Sec. 71. NEW SECTION. **124E.9 Medical cannabis dispensaries.**

21    1. a. Medical cannabis dispensaries shall be located based  
22 on geographical need throughout the state to improve patient  
23 access.  
24    b. A medical cannabis dispensary may dispense medical  
25 cannabis pursuant to the provisions of this chapter but shall  
26 not dispense any medical cannabis in a form or quantity other  
27 than the form or quantity allowed by the department pursuant  
28 to rule.

29    2. The operating documents of a medical cannabis dispensary  
30 shall include all of the following:  
31    a. Procedures for the oversight of the medical cannabis  
32 dispensary and procedures to ensure accurate recordkeeping.  
33    b. Procedures for the implementation of appropriate security  
34 measures to deter and prevent the theft of medical cannabis and  
35 unauthorized entrance into areas containing medical cannabis.



1     3. A medical cannabis dispensary shall implement security  
2 requirements, including requirements for protection by a fully  
3 operational security alarm system, facility access controls,  
4 perimeter intrusion detection systems, and a personnel  
5 identification system.

6     4. A medical cannabis dispensary shall not share office  
7 space with, refer patients to, or have any financial  
8 relationship with a health care practitioner.

9     5. A medical cannabis dispensary shall not permit any person  
10 to consume medical cannabis on the property of the medical  
11 cannabis dispensary.

12    6. A medical cannabis dispensary is subject to reasonable  
13 inspection by the department.

14    7. A medical cannabis dispensary shall not employ a  
15 person who is under eighteen years of age or who has been  
16 convicted of a disqualifying felony offense. An employee  
17 of a medical cannabis dispensary shall be subject to a  
18 background investigation conducted by the division of criminal  
19 investigation of the department of public safety and a national  
20 criminal history background check.

21    8. A medical cannabis dispensary shall not operate in any  
22 location within one thousand feet of a public or private school  
23 existing before the date of the medical cannabis dispensary's  
24 licensure by the department.

25    9. A medical cannabis dispensary shall comply with  
26 reasonable restrictions set by the department relating to  
27 signage, marketing, display, and advertising of medical  
28 cannabis.

29    10. Prior to dispensing of any medical cannabis, a medical  
30 cannabis dispensary shall do all of the following:

31     a. Verify that the medical cannabis dispensary has received  
32 a valid medical cannabis registration card from a patient or a  
33 patient's primary caregiver, if applicable.

34     b. Assign a tracking number to any medical cannabis  
35 dispensed from the medical cannabis dispensary.



1     c. (1) Properly package medical cannabis in compliance with  
2 federal law regarding child resistant packaging and exemptions  
3 for packaging for elderly patients, and label medical cannabis  
4 with a list of all active ingredients and individually  
5 identifying information, including all of the following:  
6     (a) The name and date of birth of the patient and the  
7 patient's primary caregiver, if appropriate.  
8     (b) The medical cannabis registration card numbers of the  
9 patient and the patient's primary caregiver, if applicable.  
10    (c) The chemical composition of the medical cannabis.  
11    (2) Proper packaging of medical cannabis shall include but  
12 not be limited to all of the following:  
13    (a) Warning labels regarding the use of medical cannabis by  
14 a woman during pregnancy and while breastfeeding.  
15    (b) Clearly labeled packaging indicating that an edible  
16 medical cannabis product contains medical cannabis and which  
17 packaging shall not imitate candy products or in any way make  
18 the product marketable to children.  
19    Sec. 72. NEW SECTION. 124E.10 Fees.  
20    Medical cannabis registration card fees and medical cannabis  
21 manufacturer and medical cannabis dispensary application  
22 and annual fees collected by the department pursuant to  
23 this chapter shall be retained by the department, shall be  
24 considered repayment receipts as defined in section 8.2, and  
25 shall be used for the purpose of regulating medical cannabis  
26 manufacturers and medical cannabis dispensaries and for other  
27 expenses necessary for the administration of this chapter.  
28    Sec. 73. NEW SECTION. 124E.11 Department duties — rules.  
29    1. a. The department shall maintain a confidential file of  
30 the names of each patient to or for whom the department issues  
31 a medical cannabis registration card, the name of each primary  
32 caregiver to whom the department issues a medical cannabis  
33 registration card under section 124E.4, and the names of each  
34 health care practitioner who provides a written certification  
35 for medical cannabis pursuant to this chapter.



1     *b.* Individual names contained in the file shall be  
2 confidential and shall not be subject to disclosure, except as  
3 provided in subparagraph (1).

4     (1) Information in the confidential file maintained  
5 pursuant to paragraph "a" may be released on an individual basis  
6 to the following persons under the following circumstances:

7     (a) To authorized employees or agents of the department and  
8 the department of transportation as necessary to perform the  
9 duties of the department and the department of transportation  
10 pursuant to this chapter.

11    (b) To authorized employees of state or local law  
12 enforcement agencies, but only for the purpose of verifying  
13 that a person is lawfully in possession of a medical cannabis  
14 registration card issued pursuant to this chapter.

15    (c) To authorized employees of a medical cannabis  
16 dispensary, but only for the purpose of verifying that a person  
17 is lawfully in possession of a medical cannabis registration  
18 card issued pursuant to this chapter.

19    (d) To any other authorized persons recognized by the  
20 department by rule, but only for the purpose of verifying  
21 that a person is lawfully in possession of a medical cannabis  
22 registration card issued pursuant to this chapter.

23    (2) Release of information pursuant to subparagraph  
24 (1) shall be consistent with the federal Health Insurance  
25 Portability and Accountability Act of 1996, Pub. L. No.  
26 104-191.

27    2. The department shall adopt rules pursuant to chapter  
28 17A to administer this chapter which shall include but not be  
29 limited to rules to do all of the following:

30    *a.* Govern the manner in which the department shall consider  
31 applications for new and renewal medical cannabis registration  
32 cards.

33    *b.* Identify criteria and set forth procedures for  
34 including additional chronic or debilitating diseases or  
35 medical conditions or their medical treatments on the list of



1 debilitating medical conditions that qualify for the use of  
2 medical cannabis. Procedures shall include a petition process  
3 and shall allow for public comment and public hearings before  
4 the medical advisory board.

5     *c.* Set forth additional chronic or debilitating diseases  
6 or medical conditions or associated medical treatments for  
7 inclusion on the list of debilitating medical conditions that  
8 qualify for the use of medical cannabis as recommended by the  
9 medical advisory board.

10     *d.* Establish, in consultation with medical cannabis  
11 manufacturers and medical cannabis dispensaries, the form and  
12 quantity of medical cannabis allowed to be dispensed to a  
13 patient or primary caregiver pursuant to this chapter. The  
14 form and quantity of medical cannabis shall be appropriate to  
15 serve the medical needs of patients with debilitating medical  
16 conditions.

17     *e.* Establish, in conjunction with the medical advisory  
18 board, requirements for the licensure of medical cannabis  
19 manufacturers and medical cannabis dispensaries and set forth  
20 procedures for medical cannabis manufacturers and medical  
21 cannabis dispensaries to obtain licenses.

22     *f.* Develop a dispensing system for medical cannabis within  
23 this state that provides for all of the following:

24         (1) Medical cannabis dispensaries within this state housed  
25 on secured grounds and operated by licensed medical cannabis  
26 dispensaries.

27         (2) The dispensing of medical cannabis to patients and  
28 their primary caregivers to occur at locations designated by  
29 the department.

30     *g.* Establish and collect annual fees from medical cannabis  
31 manufacturers and medical cannabis dispensaries to cover  
32 the costs associated with regulating and inspecting medical  
33 cannabis manufacturers and medical cannabis dispensaries.

34     *h.* Specify and implement procedures that address public  
35 safety including security procedures and product quality



1 including measures to ensure contaminant-free cultivation of  
2 medical cannabis, safety, and labeling.

3     *i.* Establish and implement a medical cannabis inventory  
4 and delivery tracking system to track medical cannabis  
5 from production by a medical cannabis manufacturer through  
6 dispensing at a medical cannabis dispensary.

7     Sec. 74. NEW SECTION. 124E.12 **Reciprocity.**

8     A valid medical cannabis registration card, or its  
9 equivalent, issued under the laws of another state that allows  
10 an out-of-state patient to possess or use medical cannabis in  
11 the jurisdiction of issuance shall have the same force and  
12 effect as a valid medical cannabis registration card issued  
13 pursuant to this chapter, except that an out-of-state patient  
14 in this state shall not obtain medical cannabis from a medical  
15 cannabis dispensary in this state and an out-of-state patient  
16 shall not smoke medical cannabis.

17     Sec. 75. NEW SECTION. 124E.13 **Use of medical cannabis —**  
18 **affirmative defenses.**

19     1. A health care practitioner, including any authorized  
20 agent or employee thereof, shall not be subject to  
21 prosecution for the unlawful certification, possession, or  
22 administration of marijuana under the laws of this state for  
23 activities arising directly out of or directly related to the  
24 certification or use of medical cannabis in the treatment of  
25 a patient diagnosed with a debilitating medical condition as  
26 authorized by this chapter.

27     2. A medical cannabis manufacturer, including any  
28 authorized agent or employee thereof, shall not be subject  
29 to prosecution for manufacturing, possessing, cultivating,  
30 harvesting, packaging, processing, transporting, or supplying  
31 medical cannabis pursuant to this chapter.

32     3. A medical cannabis dispensary, including any authorized  
33 agent or employee thereof, shall not be subject to prosecution  
34 for transporting, supplying, or dispensing medical cannabis  
35 pursuant to this chapter.



1     *a.* In a prosecution for the unlawful possession of marijuana  
2 under the laws of this state, including but not limited to  
3 chapters 124 and 453B, it is an affirmative and complete  
4 defense to the prosecution that the patient has been diagnosed  
5 with a debilitating medical condition, used or possessed  
6 medical cannabis pursuant to a certification by a health care  
7 practitioner as authorized under this chapter, and, for a  
8 patient eighteen years of age or older, is in possession of a  
9 valid medical cannabis registration card.

10    *b.* In a prosecution for the unlawful possession of marijuana  
11 under the laws of this state, including but not limited to  
12 chapters 124 and 453B, it is an affirmative and complete  
13 defense to the prosecution that the person possessed medical  
14 cannabis because the person is a primary caregiver of a patient  
15 who has been diagnosed with a debilitating medical condition  
16 and is in possession of a valid medical cannabis registration  
17 card, and where the primary caregiver's possession of the  
18 medical cannabis is on behalf of the patient and for the  
19 patient's use only as authorized under this chapter.

20    *c.* If a patient or primary caregiver is charged with the  
21 commission of a crime and is not in possession of the person's  
22 medical cannabis registration card, any charge or charges filed  
23 against the person shall be dismissed by the court if the  
24 person produces to the court prior to or at the person's trial  
25 a medical cannabis registration card issued to that person and  
26 valid at the time the person was charged.

27    4. An agency of this state or a political subdivision  
28 thereof, including any law enforcement agency, shall not remove  
29 or initiate proceedings to remove a patient under the age  
30 of eighteen from the home of a parent based solely upon the  
31 parent's or patient's possession or use of medical cannabis as  
32 authorized under this chapter.

33    Sec. 76. NEW SECTION. 124E.14 Penalties.

34    1. A person who knowingly or intentionally possesses or  
35 uses medical cannabis in violation of the requirements of this



1 chapter is subject to the penalties provided under chapters 124  
2 and 453B.

3 2. A medical cannabis manufacturer or a medical cannabis  
4 dispensary shall be assessed a civil penalty of up to one  
5 thousand dollars per violation for any violation of this  
6 chapter in addition to any other applicable penalties.

7 Sec. 77. NEW SECTION. 124E.15 Use of medical cannabis —  
8 smoking prohibited.

9 A patient shall not consume medical cannabis possessed  
10 or used as authorized under this chapter by smoking medical  
11 cannabis.

12 Sec. 78. NEW SECTION. 124E.16 Employment.

13 1. An employer in this state may retain, create, reinstate,  
14 or enforce a written zero tolerance policy prohibiting the  
15 possession or use of medical cannabis or any derivative  
16 thereof including cannabidiol by an employee in the employer's  
17 workplace, including but not limited to a policy prohibiting  
18 an employee from having any detectable amount of medical  
19 cannabis or any derivative thereof including cannabidiol in the  
20 employee's body while at work.

21 2. An employer's prohibition of the possession or use  
22 of medical cannabis or any derivative thereof including  
23 cannabidiol under this section shall not be considered to be  
24 an unfair or discriminatory employment practice under section  
25 216.6.

26 Sec. 79. Section 730.5, subsection 11, Code 2017, is amended  
27 by adding the following new paragraph:

28 NEW PARAGRAPH. f. Testing or taking action against an  
29 individual with a confirmed positive test result due to the  
30 individual's use of medical cannabis as authorized under  
31 chapter 124E.

32 Sec. 80. REPEAL. Chapter 124D, Code 2017, is repealed.

33 Sec. 81. EMERGENCY RULES. The department may adopt  
34 emergency rules under section 17A.4, subsection 3, and section  
35 17A.5, subsection 2, paragraph "b", to implement the provisions



1 of this division of this Act and the rules shall be effective  
2 immediately upon filing unless a later date is specified in the  
3 rules. Any rules adopted in accordance with this section shall  
4 also be published as a notice of intended action as provided  
5 in section 17A.4.

6     Sec. 82. TRANSITION PROVISIONS. A medical cannabidiol  
7 registration card issued under chapter 124D prior to the  
8 effective date of this division of this Act, remains effective  
9 and continues in effect as issued for the twelve-month period  
10 following its issuance. This division of this Act does not  
11 preclude a medical cannabidiol registration card holder from  
12 seeking to renew the registration card under this division of  
13 this Act prior to the expiration of the twelve-month period.

14     Sec. 83. EFFECTIVE UPON ENACTMENT. This division of this  
15 Act, being deemed of immediate importance, takes effect upon  
16 enactment.

#### 17                                   DIVISION IX

#### 18     DEPARTMENT OF TRANSPORTATION — BIDDING PREQUALIFICATION

19     Sec. 84. Section 26.16, as enacted by 2017 Iowa Acts, Senate  
20 File 438, section 2, is amended to read as follows:

#### 21     **26.16 Prequalification requirements prohibited — exception.**

22     1. A governmental entity shall not by ordinance, rule, or  
23 any other action relating to contracts for public improvements  
24 for which competitive bids are required by this chapter  
25 impose any requirement that directly or indirectly restricts  
26 potential bidders to any predetermined class of bidders defined  
27 by experience on similar projects, size of company, union  
28 membership, or any other criteria. However, a governmental  
29 entity shall require nonresident bidders to comply with section  
30 73A.21, subsection 4.

31     2. Notwithstanding subsection 1, a governmental entity may  
32 require that each bidder for a public improvement for which  
33 competitive bids are required by this chapter to file with the  
34 governmental entity a statement showing the bidder's financial  
35 standing, equipment, and experience in the execution of like



1 or similar work. The statement shall be filed with the agency  
2 prior to the letting at which the bidder expects to bid. The  
3 governmental entity may, in advance of the letting, notify  
4 the bidder as to the amount and the nature of the work for  
5 which the bidder is deemed qualified to bid. A bidder who is  
6 prequalified under this subsection by the governmental entity  
7 shall be deemed qualified for any public improvement by the  
8 governmental entity for which competitive bids are required by  
9 this chapter and shall submit proof of the prequalification in  
10 a manner determined by the governmental entity if required to  
11 do so by the governmental entity.>>

---

HALL of Woodbury