

Senate File 579

S-3230

1 Amend Senate File 579 as follows:

2 1. By striking everything after the enacting clause and  
3 inserting:

4 <DIVISION I

5 FAMILY PLANNING

6 Section 1. IOWA FAMILY PLANNING NETWORK — MEDICAID STATE  
7 PLAN AMENDMENT. The department of health and human services  
8 shall submit a Medicaid state plan amendment to the centers for  
9 Medicare and Medicaid services of the United States department  
10 of health and human services for approval to establish the Iowa  
11 family planning network with the same benefits, eligibility  
12 requirements, and other provisions included in the Medicaid  
13 Iowa family planning network waiver as approved by the centers  
14 for Medicare and Medicaid services of the United States  
15 department of health and human services in effect on June 30,  
16 2017.

17 Sec. 2. REPEAL. Section 217.41B, Code 2023, is repealed.

18 Sec. 3. CONTINGENT EFFECTIVE DATE. The following takes  
19 effect upon receipt of approval by the department of health  
20 and human services from the centers for Medicare and Medicaid  
21 services of the United States department of health and human  
22 services of the Medicaid state plan amendment submitted  
23 pursuant to this division of this Act to establish the Iowa  
24 family planning network:

25 The section of this division of this Act repealing section  
26 217.41B, Code 2023.

27 Sec. 4. EFFECTIVE DATE. This division of this Act, being  
28 deemed of immediate importance, takes effect upon enactment.

29 DIVISION II

30 MEDICAID — EXTENDED POSTPARTUM COVERAGE

31 Sec. 5. MEDICAID EXTENDED POSTPARTUM COVERAGE OPTION. The  
32 department of health and human services shall submit a Medicaid  
33 state plan amendment to the centers for Medicare and Medicaid  
34 services of the United States department of health and human  
35 services for approval of the option to provide twelve months of

1 continuous postpartum coverage under the Medicaid program to  
2 pregnant women enrolled in the Medicaid program in accordance  
3 with sections 9812 and 9822 of the federal American Rescue Plan  
4 Act of 2021, Pub. L. No. 117-2, as amended by section 5113 of  
5 the federal Consolidated Appropriations Act of 2023.

6     Sec. 6. MEDICAID EXTENDED POSTPARTUM COVERAGE —  
7 APPROPRIATION. For the fiscal years beginning on or after  
8 July 1, 2023, there is appropriated from the general fund  
9 of the state to the department of health and human services  
10 a sufficient amount to fund extended postpartum coverage to  
11 pregnant women enrolled in the Medicaid program in accordance  
12 with this division of this Act.

13     Sec. 7. EFFECTIVE DATE. This division of this Act, being  
14 deemed of immediate importance, takes effect upon enactment.

15                                   DIVISION III

16                   IOWA FAMILY AND MEDICAL LEAVE ACT

17     Sec. 8. Section 7E.5, subsection 1, paragraph h, Code 2023,  
18 is amended to read as follows:

19     h. The department of workforce development, created  
20 in [section 84A.1](#), which has primary responsibility for  
21 administering the laws relating to unemployment compensation  
22 insurance, job placement and training, the family leave and  
23 medical insurance program, and related matters.

24     Sec. 9. Section 84A.1, subsection 1, Code 2023, is amended  
25 to read as follows:

26     1. The department of workforce development is created to  
27 administer the laws of this state relating to unemployment  
28 compensation insurance, job placement and training, employment  
29 safety, labor standards, and workers' compensation, and the  
30 family leave and medical leave insurance program.

31     Sec. 10. NEW SECTION. **96A.1 Short title.**

32     This chapter may be cited as the "*Iowa Family and Medical*  
33 *Leave Act*".

34     Sec. 11. NEW SECTION. **96A.2 Definitions.**

35     As used in this chapter, unless the context otherwise

1 requires:

2 1. "*Child*" means a biological, adopted, or foster child,  
3 a stepchild, a legal ward, or a child of a person standing in  
4 loco parentis, regardless of the child's age or dependency  
5 status.

6 2. "*Covered employer*" means a private sector employer who  
7 has ten or more employees for each working day during each of  
8 twenty or more calendar workweeks in the current or previous  
9 calendar year, and a public employer without regard to the  
10 number of employees employed.

11 3. "*Department*" means the department of workforce  
12 development.

13 4. "*Director*" means the director of the department of  
14 workforce development.

15 5. "*Employee*" means a natural person who is employed in  
16 this state for wages by an employer. "*Employee*" also includes  
17 a commission salesperson who takes orders or performs services  
18 on behalf of a principal and who is paid on the basis of  
19 commissions but does not include persons who purchase for  
20 their own account for resale. "*Employee*" shall not include an  
21 independent contractor, a self-employed person, or a patient or  
22 inmate employed by a state or local institution to which the  
23 patient or inmate has been sentenced or committed, or any of  
24 the following persons engaged in agriculture:

25 a. The spouse of the employer and a relative of either the  
26 employer or the employer's spouse who resides on the premises  
27 of the employer.

28 b. A person engaged in agriculture as an owner-operator  
29 or tenant-operator, and the spouse or a relative of either  
30 an owner-operator or a tenant-operator who resides on the  
31 premises while exchanging labor with the owner-operator or the  
32 tenant-operator for mutual benefit.

33 c. A neighboring person engaged in agriculture who is  
34 exchanging labor or other services.

35 6. "*Employer*" means the same as defined in section 91A.2.

1 *"Employer"* includes a temporary staffing agency or employment  
2 agency.

3 7. *"Employment benefits"* means all benefits provided or  
4 made available to an employee by an employer, including group  
5 life insurance, health insurance, disability insurance, sick  
6 leave, annual leave, educational benefits, and pensions except  
7 benefits that are provided by a practice or written policy of  
8 an employer or through an employee benefit plan as defined in  
9 29 U.S.C. §1002(3).

10 8. *"Family leave"* means a leave taken from work by an  
11 employee for any of the following reasons:

12 a. To participate in providing care, including physical or  
13 psychological care, for a family member of the employee made  
14 necessary by a serious health condition of the family member.

15 b. To bond with the employee's child after the child's  
16 birth, or with a child under the age of eighteen placed with  
17 the employee for adoption or foster care.

18 c. Because of a qualifying exigency for a family member as  
19 permitted under the federal Family and Medical Leave Act of  
20 1993, as amended, and federal regulations as provided in 29  
21 C.F.R. §825.126.

22 9. *"Family member"* means a child, parent, or spouse of an  
23 employee.

24 10. *"Gross earnings"* means the same as defined in section  
25 85.61.

26 11. *"Health care provider"* means a physician or other  
27 health care practitioner licensed, accredited, registered, or  
28 certified to perform specified health care services consistent  
29 with state law.

30 12. *"In loco parentis"* means an individual who has  
31 day-to-day responsibilities to care for or financially support  
32 a child.

33 13. *"Inpatient care"* means an overnight stay in a hospital,  
34 hospice, or residential medical care facility, including any  
35 period of incapacity, or any subsequent treatment in connection

1 with such inpatient care.

2 14. "*Medical leave*" means a leave from work taken by an  
3 employee made necessary by the employee's own serious health  
4 condition.

5 15. "*Parent*" means a biological, adoptive, step, or foster  
6 father or mother, or any other individual who stands in  
7 loco parentis to an employee or who stood in loco parentis  
8 when the employee was a child. "*Parent*" does not include a  
9 parent-in-law.

10 16. "*Period of incapacity*" means an inability to work,  
11 attend school, or perform other regular daily activities due  
12 to a serious health condition, treatment of a serious health  
13 condition, or recovery from a serious health condition.

14 17. "*Premium*" or "*premiums*" means the payments required by  
15 section 96A.12 and paid to the department for deposit in the  
16 family and medical leave insurance account pursuant to section  
17 96A.22.

18 18. "*Public employer*" means the state of Iowa, its  
19 boards, commissions, agencies, departments, and its political  
20 subdivisions including school districts and other special  
21 purpose districts.

22 19. "*Serious health condition*" means an illness, injury,  
23 impairment, physical condition, or mental condition that  
24 involves inpatient care in a hospital, hospice, medical care  
25 facility, or continued treatment or continuing supervision by  
26 a health care provider.

27 20. "*Spendable weekly earnings*" means the amount remaining  
28 after payroll taxes are deducted from an employee's gross  
29 weekly earnings.

30 21. "*Spouse*" means the person with whom an individual has  
31 entered into marriage as defined or recognized under state law  
32 for purposes of marriage in the state in which the marriage  
33 was entered into or, in the case of a marriage entered into  
34 outside of any state, if the marriage is valid in the place  
35 where the marriage was entered into and the marriage could have

1 been entered into in at least one state, including a common law  
2 marriage.

3 22. "*Wages*" means the same as defined in section 91A.2.

4 Sec. 12. NEW SECTION. 96A.3 **Benefit eligibility.**

5 An employee is eligible for family leave and medical leave  
6 as provided in this chapter after working for a covered  
7 employer for both a minimum of twelve consecutive months  
8 immediately preceding the employee's request for leave and a  
9 minimum of one thousand two hundred fifty hours during that  
10 twelve-consecutive-month period.

11 Sec. 13. NEW SECTION. 96A.4 **Leave entitlement for a defined**  
12 **twelve-month period.**

13 1. An employee is entitled to a maximum of twelve weeks  
14 of family leave during a defined period of twelve consecutive  
15 months.

16 2. An employee is entitled to a maximum of twelve weeks of  
17 medical leave during a defined period of twelve consecutive  
18 months unless the employee experiences a serious health  
19 condition, which is pregnancy-related, that results in a longer  
20 period of incapacity in which case any extended medical leave  
21 beyond twelve weeks shall conform with section 216.6.

22 3. An employee is entitled to a maximum combined total of  
23 paid family leave and medical leave of sixteen weeks during a  
24 defined period of twelve consecutive months.

25 4. An employee is not entitled to family leave or medical  
26 leave of less than eight consecutive hours.

27 Sec. 14. NEW SECTION. 96A.5 **Calculating the defined**  
28 **twelve-month period.**

29 The defined period of twelve consecutive months for  
30 calculation of an eligible employee's family leave or medical  
31 leave entitlement begins on any of the following:

32 1. The date of birth of the employee's child, or the date  
33 of placement of a child for adoption or foster care with the  
34 employee.

35 2. The first day of family leave that the employee takes for

1 a family member's serious health condition or a family member's  
2 qualifying exigency.

3 3. The first day of the employee's medical leave.

4 Sec. 15. NEW SECTION. 96A.6 Disqualification from leave  
5 entitlement.

6 An eligible employee is disqualified for family leave or  
7 medical leave benefits under this chapter for any of the  
8 following reasons:

9 1. An absence due to the employee's willful intention to  
10 injure or cause a sickness to the employee or to the employee's  
11 family member.

12 2. An injury or sickness caused by the employee engaging in  
13 an illegal act.

14 3. The employee's absence due to an employer taking any  
15 disciplinary action against the employee.

16 Sec. 16. NEW SECTION. 96A.7 Employee notice to employer  
17 of intent to take leave.

18 1. If leave for the birth of a child or placement of a child  
19 for adoption or foster care with an employee is foreseeable,  
20 the employee shall provide written notice to the employer not  
21 less than thirty calendar days before the date the leave is to  
22 begin.

23 2. If the birth of a child or placement of a child for  
24 adoption or foster care with an employee requires leave to  
25 begin in less than thirty calendar days, the employee shall  
26 provide written notice to the employer as far in advance as is  
27 practicable.

28 3. If leave for a family member's serious health condition  
29 or an employee's serious health condition is foreseeable based  
30 on planned medical treatment, the employee shall do all of the  
31 following:

32 a. Make a reasonable effort to schedule such medical  
33 treatment, subject to the recommendation of the employee's or  
34 family member's health care provider as appropriate, to not  
35 unduly disrupt the operations of the employer.

1     *b.* Provide the employer with not less than thirty calendar  
2 days prior written notice of the employee's intention to take  
3 leave for a family member's serious health condition or the  
4 employee's serious health condition.

5     4. If leave for a family member's serious health condition  
6 or an employee's serious health condition is not foreseeable,  
7 the employee shall provide written notice to the employer as  
8 far in advance as is practicable.

9     Sec. 17. NEW SECTION. 96A.8 Weekly claim, certification,  
10 and verification.

11     Beginning January 1, 2028, family leave or medical leave  
12 insurance benefits are payable to an employee during a period  
13 in which the employee is unable to perform the employee's  
14 regular or customary work because the employee is on family  
15 leave or medical leave if the employee meets all of the  
16 following requirements:

17     1. The employee files a weekly claim for benefits with the  
18 department as required per rules adopted by the director.

19     2. The employee meets the eligibility requirements pursuant  
20 to section 96A.3 or the elective coverage requirements pursuant  
21 to section 96A.14.

22     3. The employee consents to the disclosure of information or  
23 records that may be deemed private or confidential under state  
24 or federal law. Disclosure of such information and records by  
25 another state agency or an employer to the department shall  
26 be solely for purposes related to the administration of this  
27 chapter. Information and records disclosed by an employee  
28 under this chapter shall not be public records as defined in  
29 section 22.1.

30     4. The employee authorizes the health care provider of the  
31 employee's family member or of the employee, as applicable, to  
32 complete a certification of a serious health condition in a  
33 form as required by the director.

34     5. The employee attests that written notice has been  
35 provided to the employee's employer per section 96A.7.



1     6. The employee provides documentation of a family member's  
2 qualifying exigency if requested by the employee's employer.

3     Sec. 18. NEW SECTION.   **96A.9   Waiting period for leave**  
4 **benefits.**

5     Family leave or medical leave insurance benefits shall be  
6 payable to an eligible employee following a waiting period  
7 consisting of the first seven calendar days of the employee's  
8 leave. However, no such waiting period applies to a leave for  
9 the birth or placement of a child with an eligible employee.

10    Sec. 19. NEW SECTION.   **96A.10   Weekly leave benefit amount.**

11    1. The basis for the calculation of a leave benefit amount  
12 shall be the weekly earnings of an eligible employee on the  
13 day the leave is granted. "*Weekly earnings*" means the gross  
14 earnings of an employee to which the employee would have been  
15 entitled had the employee worked the employee's customary hours  
16 for the full pay period in which the employee is on family  
17 leave or medical leave. Weekly earnings shall be computed as  
18 follows, rounded to the nearest dollar, for an employee who is  
19 paid on the following basis:

20    a. On a weekly pay period basis, the weekly earnings are the  
21 weekly gross earnings.

22    b. On a biweekly pay period basis, the weekly earnings are  
23 one-half of the biweekly gross earnings.

24    c. On a semimonthly pay period basis, the weekly earnings  
25 are the semimonthly gross earnings multiplied by twenty-four  
26 and then divided by fifty-two.

27    d. On a monthly pay period basis, the weekly earnings  
28 are the monthly gross earnings multiplied by twelve and then  
29 divided by fifty-two.

30    e. On a yearly pay period basis, the weekly earnings shall  
31 be the yearly earnings divided by fifty-two.

32    f. On a daily or hourly basis, or by the output of an  
33 employee, the weekly earnings shall be computed by dividing by  
34 thirteen the earnings, including shift differential pay but  
35 not including overtime or premium pay, of the employee earned

1 in the last completed period of thirteen consecutive calendar  
2 weeks immediately preceding the start day of the leave. If  
3 the employee was absent from employment for personal reasons  
4 during part of the thirteen calendar weeks preceding the  
5 leave, the employee's weekly earnings shall be the amount the  
6 employee would have earned had the employee worked when work  
7 was available to other employees of the employer in a similar  
8 occupation. A week that does not fairly reflect the employee's  
9 customary earnings shall be replaced by the closest previous  
10 week with earnings that fairly represent the employee's  
11 customary earnings.

12 2. If on the date that an employee's leave begins the  
13 employee's hourly earnings cannot be ascertained, the earnings  
14 for the purpose of calculating the benefit amount shall be the  
15 usual earnings for similar services where such services are  
16 rendered by paid employees.

17 3. If an employee earns either no wages, or less than the  
18 usual weekly earnings of a regular full-time adult laborer  
19 in the line of work in which the employee is working in  
20 that locality, the weekly earnings shall be one-fiftieth of  
21 the total earnings which the employee has earned from all  
22 employment during the twelve consecutive calendar months  
23 immediately preceding the date that the employee's leave  
24 begins.

25 4. The weekly leave benefit amount payable to an employee  
26 for any one week shall be eighty percent of the employee's  
27 spendable weekly earnings, but shall not exceed an amount equal  
28 to two hundred percent of the statewide average weekly wage  
29 as calculated by the department pursuant to section 96.1A and  
30 in effect on the date that the employee's leave commences.  
31 However, the weekly leave benefit amount shall be a minimum  
32 equal to the lesser of the weekly leave benefit amount of a  
33 person whose gross weekly earnings are thirty-five percent of  
34 the statewide average weekly wage, or to the spendable weekly  
35 earnings of the employee.

1     Sec. 20. NEW SECTION.   96A.11   Payment of benefits to an  
2 eligible employee.

3     1. The department shall send the first benefit payment to  
4 an employee within ten calendar days after the first properly  
5 completed weekly claim from the employee is received by  
6 the department. Subsequent payments shall be sent at least  
7 biweekly to an eligible employee if a properly completed weekly  
8 claim from the employee is received by the department.

9     2. If an employer contests an employee's initial claim  
10 for family leave or medical leave benefits, the employer must  
11 notify the employee and the department in the manner prescribed  
12 by the director within ten calendar days of the employer's  
13 receipt of notice from the department of the employee's filing  
14 of a claim for benefits pursuant to section 96A.21, subsection  
15 3. Failure to timely contest an initial application shall  
16 constitute a waiver of objection to the family leave or medical  
17 leave claim.

18     3. If the department or the employee's employer contests  
19 an employee's eligibility for benefits after the employee  
20 begins receiving benefits, the employee shall continue to  
21 be paid benefits conditionally for any weeks for which the  
22 employee files a claim for benefits. The employee's right to  
23 retain such benefit payments shall be conditioned upon the  
24 department's finding that the employee is eligible for such  
25 benefit payments.

26     a. At an employee's request, the department shall hold  
27 conditional benefit payments until the department resolves the  
28 employee's eligibility status.

29     b. Payment shall be issued promptly for any withheld benefit  
30 payments if the department determines that an employee is  
31 eligible for benefits.

32     c. If the department determines that an employee is  
33 ineligible for the conditionally paid benefits, the employee  
34 shall repay the overpayment per rules adopted by the director.

35     Sec. 21. NEW SECTION.   96A.12   Funding the family leave and

1 **medical leave insurance program.**

2 1. Beginning on January 1, 2027, and ending December  
3 31, 2028, the department shall assess for each employee  
4 in employment with a covered employer a premium rate of  
5 four-tenths of one percent of the employee's wages based on the  
6 amount of the wages, subject to subsection 6.

7 a. The premium rate for family leave benefits shall be equal  
8 to one-third of the total premium rate.

9 b. The premium rate for medical leave benefits shall be  
10 equal to two-thirds of the total premium rate.

11 2. For calendar year 2029 and subsequent calendar years the  
12 director shall determine the percentage of paid claims related  
13 to family leave benefits and the percentage of paid claims  
14 related to medical leave benefits and adjust the premium rates  
15 set in subsection 1 by the proportional share of claims paid  
16 for both types of leave.

17 3. For family leave premiums a covered employer may deduct  
18 up to forty-five percent of the full amount of the required  
19 premiums from the wages of each employee. The remaining  
20 fifty-five percent of the required premiums shall be paid by  
21 the covered employer.

22 4. For medical leave premiums a covered employer may deduct  
23 up to forty-five percent of the full amount of the required  
24 premiums from the wages of each employee. The remaining  
25 fifty-five percent of the required premiums shall be paid by  
26 the covered employer.

27 5. A covered employer may elect to pay all or any portion of  
28 its employees' share of the premiums for family leave benefits  
29 or medical leave benefits or both.

30 6. The director shall annually set a maximum limit on the  
31 amount of an employee's wages that are subject to a premium  
32 assessment under this section that is equal to the contribution  
33 and benefit base for the calendar year as determined by the  
34 United States social security administration for purposes of  
35 26 U.S.C. §3121(a).

1     7. For calendar year 2029 and subsequent calendar years,  
2 the total premium rate shall be based on the family leave and  
3 medical leave insurance account balance ratio as of September  
4 30 of the previous year. The director shall calculate the  
5 account balance ratio by dividing the balance of the family  
6 leave and medical leave insurance account by the total wages  
7 paid by covered employers. The division shall be carried  
8 to the fourth decimal place with the remaining fraction  
9 disregarded unless it amounts to five hundred thousandths or  
10 more in which case the fourth decimal place shall be rounded  
11 to the next higher digit. If the family leave and medical  
12 leave insurance account balance ratio is any of the following  
13 percentages, the premium shall be the following percentage of  
14 an employee's wages subject to a premium assessment:

15     *a.* If the ratio is zero to nine hundredths of one percent,  
16 the premium shall be six-tenths of one percent.

17     *b.* If the ratio is one-tenth of one percent to nineteen  
18 hundredths of one percent, the premium shall be five-tenths of  
19 one percent.

20     *c.* If the ratio is two-tenths of one percent to twenty-nine  
21 hundredths of one percent, the premium shall be four-tenths of  
22 one percent.

23     *d.* If the ratio is three-tenths of one percent to  
24 thirty-nine hundredths of one percent, the premium shall be  
25 three-tenths of one percent.

26     *e.* If the ratio is four-tenths of one percent to forty-nine  
27 hundredths of one percent, the premium shall be two-tenths of  
28 one percent.

29     *f.* If the ratio is five-tenths of one percent or greater,  
30 the premium shall be one-tenth of one percent.

31     8. Beginning January 1, 2029, if the account balance ratio  
32 calculated in subsection 7 is below five hundredths of one  
33 percent, the director shall assess a solvency surcharge at  
34 the lowest rate necessary to provide revenue to pay for the  
35 administrative and benefit costs of family leave and medical

1 leave insurance for the calendar year. The solvency surcharge  
2 shall be at least one-tenth of one percent and no more than  
3 six-tenths of one percent and shall be added to the total  
4 premium rate assessed to each employee of a covered employer  
5 for family leave and medical leave benefits.

6 9. A covered employer shall collect all required premiums  
7 and surcharges from the employer's employees through payroll  
8 deductions and shall remit the amount collected and the amount  
9 to be paid by the employer to the department as required by  
10 rules adopted by the director.

11 10. On September 30 of each year the department shall  
12 average the number of employees reported by an employer over  
13 the last four completed calendar quarters to determine the  
14 number of employees employed by the employer for the purpose  
15 of determining if an employer shall be considered a covered  
16 employer for the next calendar year.

17 Sec. 22. NEW SECTION. 96A.13 Conditional waiver of premium  
18 for out-of-state employee.

19 1. An employer may file an application with the department  
20 for a conditional waiver of the payment of family leave and  
21 medical leave premiums assessed under section 96A.12 for an  
22 employee who meets all of the following requirements:

23 a. The employee is physically based outside of the state.

24 b. The employee physically works in the state on a limited  
25 or temporary work schedule.

26 c. The employee is not expected to physically work in the  
27 state for one thousand two hundred fifty hours or more during  
28 any consecutive twelve-month period.

29 2. The department shall approve an application that is  
30 signed by both the employee and the employee's employer  
31 attesting to compliance with the requirements of subsection 1.

32 3. If the employee physically works in the state for one  
33 thousand two hundred fifty hours or more in any consecutive  
34 twelve-month period, the conditional waiver shall expire and  
35 the employer and employee shall be responsible for all premiums

1 pursuant to section 96A.12 for the consecutive twelve-month  
2 period in which the employee worked one thousand two hundred  
3 fifty hours or more. Upon submission of the premiums by the  
4 employer to the department, the employee shall be credited for  
5 the hours worked during that consecutive twelve-month period  
6 and shall be eligible for benefits under this chapter.

7     Sec. 23. NEW SECTION. 96A.14 Self-employed persons elective  
8 participation in the family leave and medical leave insurance  
9 program.

10     1. A self-employed person electing to participate in the  
11 family leave and medical leave insurance program shall be  
12 considered either an employer or employee under this chapter  
13 as the context dictates.

14     2. For benefits payable beginning January 1, 2029, a  
15 self-employed person may elect to participate in the family  
16 leave and medical leave insurance program under this chapter  
17 if the self-employed person meets all of the following  
18 requirements:

19     a. The initial participation period for the self-employed  
20 person must be a minimum of three years.

21     b. Any subsequent participation period by the self-employed  
22 person must be for a minimum of one year.

23     c. The self-employed person must participate in both family  
24 leave and medical leave.

25     d. One hundred percent of all premiums assessed by  
26 the department under section 96A.12 shall be paid by the  
27 self-employed person.

28     3. A self-employed person shall file a written notice of  
29 election of elective coverage with the department in the manner  
30 required by the director.

31     4. A self-employed person shall be eligible for  
32 family leave and medical leave benefits after working one  
33 thousand two hundred fifty hours in the state during the  
34 twelve-consecutive-month period immediately following the date  
35 of the written notice the self-employed person filed pursuant

1 to subsection 3.

2 5. A self-employed person who has elected coverage may  
3 withdraw from coverage within thirty calendar days after the  
4 end of each participation period pursuant to subsection 2,  
5 paragraph "a" or "b", by filing a written notice of withdrawal  
6 as required pursuant to the rules adopted by the director. The  
7 withdrawal shall take effect no sooner than thirty calendar  
8 days after the self-employed person files the notice of  
9 withdrawal.

10 6. If a self-employed person fails to submit the required  
11 premium payments, the department may cancel the person's  
12 elective coverage. The cancellation shall be effective no  
13 sooner than thirty days from the date of a written notice  
14 from the department to the self-employed person advising the  
15 self-employed person of the impending cancellation of the  
16 self-employed person's elective coverage. The department shall  
17 collect all due and unpaid premiums from the self-employed  
18 person for the remainder of the applicable participation period  
19 pursuant to subsection 2, paragraph "a" or "b".

20 Sec. 24. NEW SECTION. 96A.15 **Employment protection.**

21 1. An eligible employee who takes family leave or medical  
22 leave under this chapter is entitled to either of the following  
23 on the employee's return from leave:

24 a. To be restored to the same position held by the employee  
25 when the employee's leave commenced.

26 b. To be restored to an equivalent position with equivalent  
27 employment benefits, pay, and other terms and conditions of  
28 employment.

29 2. As a condition of restoration under subsection 1 for an  
30 employee who has taken medical leave, the employer may apply  
31 a uniform policy to the employee that requires an employee to  
32 provide certification from the employee's health care provider  
33 that the employee is able to resume work.

34 3. Taking leave under this chapter shall not result in the  
35 loss of any employment benefits accrued by an employee prior to



1 the date on which the employee's leave commenced.

2 4. This section shall not be construed to entitle a restored  
3 employee to any of the following:

4 a. The accrual of any seniority or employment benefits  
5 during any period of leave.

6 b. Any right, benefit, or position of employment other than  
7 any right, benefit, or position of employment to which the  
8 employee would have been entitled had the employee not taken  
9 leave.

10 5. This section shall not be construed to prohibit an  
11 employer from requiring an employee on leave to report  
12 periodically to the employer on the status and intention of the  
13 employee to return to work.

14 6. An employer may deny restoration under this section to  
15 a salaried employee who is among the ten percent highest-paid  
16 employees employed by the employer within seventy-five miles  
17 of the facility at which the employee is employed if all of the  
18 following apply:

19 a. Denial of restoration is necessary to prevent substantial  
20 and grievous economic injury to the operations of the employer.

21 b. The employer notifies the employee of the intent of the  
22 employer to deny restoration on such basis at the time the  
23 employer determines such basis exists.

24 c. The employee is on leave and elects not to return  
25 to employment after receiving the employer's notice of the  
26 employer's intent not to restore the employee.

27 7. This section shall not be construed as providing an  
28 employee greater restoration rights than those required under  
29 the federal Family and Medical Leave Act of 1993, as amended.

30 Sec. 25. NEW SECTION. 96A.16 Maintenance of existing health  
31 benefits.

32 If required by the federal Family and Medical Leave  
33 Act of 1993, as amended, an employer shall maintain any  
34 existing health benefits of an employee for the duration of  
35 an employee's leave under this chapter. If the employer and

1 the employee normally share the cost of such existing health  
2 benefits, the employee shall remain responsible for the  
3 employee's share of the cost of such.

4     Sec. 26. NEW SECTION.   **96A.17 Employer submission of reports**  
5 **and maintenance of records.**

6     1. Pursuant to rules adopted by the director, an employer  
7 shall submit reports and furnish information related to  
8 the family leave and medical leave insurance program to the  
9 director.

10    2. An employer shall maintain at the employer's primary  
11 place of business a record of employment for each employee from  
12 which any information needed by the department for purposes of  
13 this chapter may be obtained. Such record shall be maintained  
14 for ten years from the date on which an eligible employee  
15 applies for family leave or medical leave under this chapter.  
16 The record shall be open for inspection by the director at all  
17 times. All personnel records and employee medical records  
18 shall be maintained by the employer in compliance with all  
19 applicable federal and state laws.

20     Sec. 27. NEW SECTION.   **96A.18 Coordination of family leave**  
21 **and medical leave with other laws and with employer policies.**

22    1. Family leave or medical leave taken by an employee under  
23 this chapter shall be in addition to any leave available to  
24 an employee as required by applicable state or federal law  
25 for sickness or temporary disability because of pregnancy or  
26 childbirth.

27    2. Family leave or medical leave taken by an employee under  
28 this chapter shall be taken concurrently with any leave taken  
29 under the federal Family and Medical Leave Act of 1993, as  
30 amended.

31    3. An employer may allow an employee who has accrued  
32 vacation, sick, or other paid time off to choose to use either  
33 such accrued time or to receive paid family leave or medical  
34 leave insurance benefits under this chapter.

35     Sec. 28. NEW SECTION.   **96A.19 Relationship to other state**

1 **and federal benefits.**

2 In any week an employee is eligible to receive benefits under  
3 chapter 85, 85A, 85B, or 96, or any other applicable state or  
4 federal unemployment compensation, workers' compensation, or  
5 disability insurance laws, the employee is disqualified from  
6 receiving family leave or medical leave insurance benefits  
7 under this chapter.

8 Sec. 29. NEW SECTION. **96A.20 Discrimination prohibited.**

9 This chapter shall not be construed to modify or affect any  
10 federal, state, or local law prohibiting discrimination on the  
11 basis of age, race, creed, color, sex, sexual orientation,  
12 gender identity, national origin, religion, disability, or  
13 other protected category.

14 Sec. 30. NEW SECTION. **96A.21 Department to administer**  
15 **family leave and medical leave insurance program and conduct**  
16 **outreach.**

17 1. The director shall establish and administer the family  
18 leave and medical leave insurance program and disburse family  
19 leave and medical leave benefits to an eligible employee as  
20 specified in this chapter.

21 2. The director shall establish procedures and forms for  
22 an employee to file an application for benefits under this  
23 chapter.

24 3. The department shall notify an employer within five  
25 business days of an employee filing a claim for family leave or  
26 medical leave insurance benefits.

27 4. Information and records pertaining to an employee under  
28 this chapter that are maintained by the department shall  
29 be confidential and shall only be available to department  
30 personnel in the performance of official duties.

31 5. The director shall develop and implement an outreach  
32 program to ensure that employers and employees are aware of  
33 the family leave and medical leave insurance program and are  
34 aware of the leave benefits available to eligible employees.  
35 Outreach information shall explain in an easy-to-understand

1 format all of the following:

2     *a.* Eligibility requirements.

3     *b.* The application process.

4     *c.* How weekly benefits are calculated and the minimum and  
5 maximum weekly benefit amount.

6     *d.* Restoration rights.

7     *e.* Nondiscrimination rights.

8     *f.* Confidentiality.

9     *g.* The relationship between employment protection, leave  
10 from employment, wage replacement benefits under this chapter  
11 and other laws, and employer policies.

12     6. The department shall be authorized to inspect and audit  
13 an employer's files and records relating to the family leave  
14 and medical leave insurance program under this chapter.

15     Sec. 31. NEW SECTION.   **96A.22 Family leave and medical leave**  
16 **insurance account.**

17     1. The family leave and medical leave insurance account  
18 is created as a separate account in the state treasury in the  
19 custody of the treasurer of state.

20     2. The director shall deposit all receipts from premiums  
21 imposed pursuant to sections 96A.12, 96A.13, and 96A.14 into  
22 the account. Expenditures from the account shall be used  
23 only for the purposes of the family leave and medical leave  
24 insurance program and only as authorized by the director.

25     3. All premiums deposited in the account shall remain in  
26 the account until expended pursuant to the requirements of this  
27 chapter.

28     Sec. 32. NEW SECTION.   **96A.23 Rules.**

29     The director shall adopt rules pursuant to chapter 17A as  
30 necessary to implement and administer this chapter.

31     Sec. 33. NEW SECTION.   **96A.24 Enforcement.**

32     The director may take any action under the director's  
33 authority to enforce compliance with this chapter.

34     Sec. 34. **DIRECTOR ANALYSIS OF FUNDING THE FAMILY LEAVE**  
35 **AND MEDICAL LEAVE INSURANCE PROGRAM AND REPORT TO THE GENERAL**

1 ASSEMBLY. The director of the department of workforce  
2 development shall conduct an analysis of the family leave and  
3 medical leave insurance program as funded pursuant to section  
4 96A.12, as enacted in this division of this Act, and of the  
5 benefits paid pursuant to section 96A.10, as enacted in this  
6 division of this Act. The director shall determine if the  
7 premium rates and benefit levels are appropriate to fully fund  
8 and maintain the solvency of the family leave and medical leave  
9 insurance account.

10 The director shall submit the director's findings to the  
11 general assembly pursuant to section 7A.11 no later than  
12 January 14, 2024.

#### 13 DIVISION IV

#### 14 CHILD CARE ASSISTANCE

15 Sec. 35. DEPARTMENT OF HEALTH AND HUMAN SERVICES — CHILD  
16 CARE ASSISTANCE — FAMILY INCOME ELIGIBILITY REQUIREMENTS.

17 1. The department of health and human services shall amend  
18 its administrative rules pursuant to chapter 17A to provide  
19 income eligibility for state child care assistance, according  
20 to family size for children needing basic care, to families  
21 whose nonexempt gross monthly income does not exceed the  
22 following amounts according to the following schedule:

23 a. One hundred seventy percent of the federal poverty level,  
24 effective July 1, 2024.

25 b. One hundred eighty percent of the federal poverty level,  
26 effective July 1, 2025.

27 c. One hundred ninety percent of the federal poverty level,  
28 effective July 1, 2026.

29 d. Two hundred percent of the federal poverty level,  
30 effective July 1, 2027.

31 2. For the fiscal year beginning July 1, 2024, and for each  
32 fiscal year thereafter, for child care providers reimbursed  
33 under the state child care assistance program, the department  
34 of health and human services shall set provider reimbursement  
35 rates based on the most recent market rate survey completed.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

DIVISION V

MATERNAL AND CHILD HEALTH-RELATED SERVICES

Sec. 36. MEDICAID REIMBURSEMENT FOR MATERNAL AND CHILD

HEALTH-RELATED SERVICES. Under both fee-for-service and managed care administration of Medicaid, the department of health and human services shall adopt rules pursuant to chapter 17A, amend any contract with a managed care organization, and apply for any Medicaid state plan amendment or waiver as may be necessary to provide for all of the following:

1. Reimbursement in an amount appropriate to cover the entire standard of care costs for labor and delivery.

2. The same reimbursement for maternal-fetal medicine services and comprehensive maternity care, including both facility and professional fees, whether provided in person or through the use of telehealth.

3. Comprehensive maternity care, to include the basic number of prenatal and postpartum visits recommended by the American college of obstetricians and gynecologists; additional prenatal and postpartum visits that are medically necessary; necessary laboratory, nutritional assessment and counseling, health education, personal counseling, managed care, outreach, and follow-up services; and treatment of conditions which may complicate pregnancy.

4. Reimbursement for breast-feeding supports, counseling, and supplies including the standard cost of breast pumps including electric breast pumps and associated breast pump supplies.

5. Reimbursement for transportation to all prenatal and postpartum care appointments including transportation to a hospital with the appropriate level of care for a pregnant person and for a baby when transfer is necessary.

6. Reimbursement for all postpartum care products such as breast pads, period pads, comfort products, pain relievers, and other similar products.

7. Maternity care including doula care. For the purposes

1 of this subsection, "doula" means a trained professional who  
2 provides continuous physical, emotional, and informational  
3 support to a pregnant person before, during, and after  
4 childbirth to improve birth outcomes, prevent stillbirths and  
5 infant deaths, and reduce maternal morbidity and mortality.>  
6 2. Title page, by striking line 2 and inserting <the health  
7 and well-being of children and families in the state, and>

---

SARAH TRONE GARRIOTT

---

LIZ BENNETT

---

TONY BISIGNANO

---

NATE BOULTON

---

CLAIRE CELSI

---

MOLLY DONAHUE

---

WILLIAM A. DOTZLER, JR.

---

ERIC GIDDENS

---

PAM JOCHUM

---

IZAAB KNOX

---

JANET PETERSEN

---

HERMAN C. QUIRMBACH

---

TODD TAYLOR

---

ZACH WAHLS

---

JANICE WEINER

---

CINDY WINCKLER