

**EIGHTY-EIGHTH GENERAL ASSEMBLY
2020 REGULAR SESSION
DAILY
HOUSE CLIP SHEET**

March 10, 2020

Clip Sheet Summary

Displays all amendments, fiscal notes, and conference committee reports for previous day.

Bill	Amendment	Action	Sponsor
HF 2457	H-8145		MEYER of Webster
HF 2462	H-8132		HUNTER of Polk
HF 2462	H-8133		HUNTER of Polk
HF 2501	H-8134	Adopted	MEYER of Polk
HF 2506	H-8135		LOHSE of Polk
HF 2551	H-8131		LUNDGREN of Dubuque
HF 2554	H-8141		HITE of Mahaska
HF 2576	H-8139		LOHSE of Polk
HF 2589	H-8142		GASKILL of Wapello
HF 2589	H-8143		ISENHART of Dubuque
HF 2589	H-8144		KRESSIG of Black Hawk
SF 460	H-8147		COMMITTEE ON JUDICIARY, et al
SF 621	H-8146		COMMITTEE ON WAYS AND MEANS, et al
SF 2097	H-8136		LOHSE of Polk
SF 2119	H-8137	Filed	ISENHART of Dubuque

[SF 2296](#) [H-8138](#) HUNTER of Polk
[SF 2357](#) [H-8140](#) BEST of Carroll

Fiscal Notes

[HF 737](#) — [Animal Mistreatment, Penalties — as amended and passed by the Senate](#) (LSB2126HV.1)

[HF 2539](#) — [Deaf Children, Language and Literacy Development](#) (LSB6308HV.1)

[HF 2549](#) — [Special Investigations Fund/Cold Cases, Department of Public Safety](#) (LSB5964HV)

[HF 2553](#) — [National Drug Acquisition Cost](#) (LSB5787HV)

HOUSE FILE 2457

H-8145

1 Amend the amendment, H-8062, to House File 2457 as follows:
2 1. Page 1, line 8, by striking <shall> and inserting <may>
3 2. Page 1, by striking lines 18 and 19 and inserting <An
4 Act authorizing school districts and accredited nonpublic
5 schools to provide bleeding control training to students at the
6 secondary level.>

By MEYER of Webster

H-8145 FILED MARCH 10, 2020

HOUSE FILE 2462

H-8132

1 Amend House File 2462 as follows:

2 1. Page 1, by striking lines 13 through 20 and inserting
3 <during the individual's base period. However, the director
4 shall recompute wage credits for an individual who is laid off
5 in a permanent mass layoff of more than fifty employees due to
6 the individual's employer going out of business at the factory,
7 establishment, or other premises at which the individual was
8 last employed, by crediting the individual's account with
9 one-half, instead of one-third, of the wages for insured work
10 paid to the individual during the individual's base period.
11 Benefits paid to an eligible individual shall>

12 2. Page 1, by striking lines 24 through 31 and inserting
13 <wage credits are based were paid. However if the state "off"
14 indicator is in effect and if the individual is laid off in a
15 permanent mass layoff of more than fifty employees due to the
16 individual's employer going out of business at the factory,
17 establishment, or other premises at which the individual was
18 last employed, the maximum benefits payable shall be extended
19 to thirty-nine times the individual's weekly benefit amount,
20 but not to exceed the total of the wage credits accrued to the
21 individual's account.>

By HUNTER of Polk

H-8132 FILED MARCH 10, 2020

HOUSE FILE 2462

H-8133

1 Amend House File 2462 as follows:

2 1. Page 1, by striking lines 13 through 20 and inserting
3 <during the individual's base period. However, the director
4 shall recompute wage credits for an individual who is laid
5 off due to the individual's employer going out of business at
6 the factory, establishment, or other premises at which the
7 individual was last employed due to a natural disaster, by
8 crediting the individual's account with one-half, instead of
9 one-third, of the wages for insured work paid to the individual
10 during the individual's base period. Benefits paid to an
11 eligible individual shall>

12 2. Page 1, by striking lines 24 through 31 and inserting
13 <wage credits are based were paid. However if the state "off"
14 indicator is in effect and if the individual is laid off due to
15 the individual's employer going out of business at the factory,
16 establishment, or other premises at which the individual was
17 last employed due to a natural disaster, the maximum benefits
18 payable shall be extended to thirty-nine times the individual's
19 weekly benefit amount, but not to exceed the total of the wage
20 credits accrued to the individual's account.>

By HUNTER of Polk

H-8133 FILED MARCH 10, 2020

HOUSE FILE 2501

H-8134

- 1 Amend the amendment, H-8125, to House File 2501 as follows:
- 2 1. Page 1, by striking lines 2 through 12 and inserting:
- 3 <___. Page 1, line 3, after <2.> by inserting <a.>
- 4 ___ . Page 1, line 11, by striking <a.> and inserting <~~a.~~
- 5 (1)>
- 6 ___ . Page 1, line 17, by striking <b.> and inserting <(2)>
- 7 ___ . Page 1, line 20, by striking <c.> and inserting <(3)>
- 8 ___ . Page 1, line 25, by striking <d.> and inserting <(4)>
- 9 ___ . Page 1, line 29, by striking <e.> and inserting <(5)>
- 10 ___ . Page 1, line 33, by striking <f.> and inserting <(6)>
- 11 ___ . Page 2, line 2, by striking <g.> and inserting <~~g.~~ (7)>
- 12 ___ . Page 2, line 4, by striking <h.> and inserting <~~h.~~ (8)>
- 13 ___ . Page 2, after line 5 by inserting:
- 14 b. This subsection shall not apply to an asbestos action,
- 15 including an action alleging a nonmalignant or malignant
- 16 condition, or a silica action involving silicosis, filed by a
- 17 veteran. For purposes of this paragraph, "veteran" means the
- 18 same as defined in section 35.1. A veteran shall be required
- 19 to file with the complaint or other initial pleading all of the
- 20 following:
- 21 (1) A detailed narrative medical report and diagnosis that
- 22 complies with subsection 1.
- 23 (2) A summary of all locations at which the veteran has been
- 24 stationed and the corresponding calendar years served at each
- 25 location.>>
- 26 2. By renumbering, redesignating, and correcting internal
- 27 references as necessary.

By MEYER of Polk

H-8134 FILED MARCH 10, 2020

ADOPTED

HOUSE FILE 2506

H-8135

1 Amend House File 2506 as follows:

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

4 <Section 1. Section 709.9, Code 2020, is amended to read as
5 follows:

6 **709.9 Indecent exposure.**

7 A person who exposes the person's genitals or pubes to
8 another not the person's spouse, or who commits a sex act in
9 the presence of or view of a third person, or who masturbates
10 underneath or outside of the person's clothing in the presence
11 of another, commits a serious misdemeanor, if all of the
12 following apply:

13 1. The person does so to arouse or satisfy the sexual
14 desires of either ~~party~~; and party.

15 2. The person knows or reasonably should know that the act
16 is offensive to the viewer or the viewer was a child at the time
17 of the act.>

By LOHSE of Polk

H-8135 FILED MARCH 10, 2020

HOUSE FILE 2551

H-8131

1 Amend House File 2551 as follows:

2 1. Page 3, by striking lines 32 through 35 and inserting:

3 <Sec. _____. NEW SECTION. 510D.5 Summary enforcement.

4 1. Upon a determination by the commissioner that a
5 manufacturer or a manufacturer's agent has violated a provision
6 of this chapter, a rule adopted by the commissioner, or an
7 order issued by the commissioner under this chapter, the
8 commissioner may do any of the following:

9 a. Issue a summary order, including a brief statement
10 of findings of fact and conclusions of law, and direct the
11 manufacturer or the manufacturer's agent to cease and desist
12 engaging in the act or practice that is in violation of the
13 provisions of this chapter.

14 b. Take other affirmative action that in the judgment of the
15 commissioner is necessary to ensure that the manufacturer or
16 the manufacturer's agent complies with the requirements of this
17 chapter.

18 2. a. A manufacturer or a manufacturer's agent that has
19 been issued a summary order under this section may contest
20 the summary order by filing a request for a contested case
21 proceeding and hearing pursuant to chapter 17A, and in
22 accordance with rules adopted by the commissioner. The
23 manufacturer or the manufacturer's agent shall have at least
24 thirty calendar days from the date that the summary order
25 is issued to file a request for a contested case proceeding
26 and hearing. If a contested case proceeding and hearing is
27 not timely requested the summary order shall become final by
28 operation of law.

29 b. Section 17A.18A shall not apply to a summary order issued
30 under this section.

31 c. A summary order issued pursuant to this section shall
32 remain effective from the date of issuance unless overturned
33 by a presiding officer of a contested case hearing, or by
34 a court following the manufacturer's or the manufacturer's
35 agent's request for judicial review of a final action by the

1 commissioner.

2 3. A manufacturer or a manufacturer's agent violating
3 a summary order issued under this section shall be deemed
4 in contempt of the summary order. Upon request of the
5 commissioner, the attorney general shall petition the
6 district court to enforce the summary order as certified
7 by the commissioner. The district court shall adjudge the
8 manufacturer or the manufacturer's agent in contempt of
9 the summary order if the court finds after hearing that the
10 manufacturer or the manufacturer's agent is not in compliance
11 with the summary order. The court may assess a civil penalty
12 of not more than one thousand dollars for each day that the
13 manufacturer or the manufacturer's agent is in violation of the
14 summary order and may issue further orders as the court deems
15 appropriate.

16 Sec. ____ . NEW SECTION. 510D.6 Enforcement after hearing.

17 1. If, after a hearing pursuant to section 510D.5, the
18 commissioner determines that a manufacturer or a manufacturer's
19 agent has violated a provision of this chapter, a rule adopted
20 by the commissioner, or an order issued by the commissioner
21 under this chapter, the commissioner shall reduce the findings
22 to writing and shall issue and cause to be served upon the
23 manufacturer or the manufacturer's agent all of the following:

24 a. A copy of the commissioner's findings.

25 b. An order requiring the manufacturer or the manufacturer's
26 agent to cease and desist from violating the provisions of this
27 chapter.

28 2. The commissioner may take other affirmative action that
29 in the judgment of the commissioner is necessary to ensure that
30 the manufacturer or the manufacturer's agent complies with
31 the requirements of this chapter. The commissioner may also,
32 at the commissioner's discretion, order payment of a civil
33 penalty of not more than five thousand dollars for each of the
34 manufacturer's or the manufacturer's agent's violations of this
35 chapter.

1 3. A manufacturer or a manufacturer's agent that violates
2 an order of the commissioner, and while such order is in
3 effect, may, after notice and hearing and upon order of the
4 commissioner, be subject to a civil penalty of not more than
5 ten thousand dollars for each violation of the commissioner's
6 order. A manufacturer or a manufacturer's agent violating an
7 order issued by the commissioner under this subsection shall
8 be deemed in contempt of the order. A civil penalty collected
9 pursuant to this section shall be deposited as provided in
10 section 505.7.

11 4. Judicial review of an action of the commissioner may be
12 sought by a manufacturer or a manufacturer's agent pursuant to
13 chapter 17A. To the extent that a decision or order of the
14 commissioner is affirmed in a judicial review proceeding, the
15 court shall issue an order directing that the manufacturer
16 or the manufacturer's agent comply with the terms of the
17 commissioner's decision or order.

18 5. After the period for judicial review of an order of the
19 commissioner has expired and no petition for judicial review
20 has been filed, upon request of the commissioner, the attorney
21 general shall proceed in the district court to enforce the
22 order of the commissioner. The court shall issue an order
23 directing that the manufacturer or the manufacturer's agent
24 comply with the terms of the commissioner's order.

25 6. Upon request of the commissioner, the attorney general
26 shall petition the district court to enforce an order as
27 certified by the commissioner. The district court shall
28 adjudge the manufacturer or the manufacturer's agent in
29 contempt of the commissioner's order if the court finds after
30 hearing that the manufacturer or the manufacturer's agent is
31 not in compliance with the commissioner's order. The court may
32 order a civil penalty of not more than one thousand dollars per
33 day for each day of noncompliance against the manufacturer or
34 the manufacturer's agent and may issue further orders as the
35 court deems appropriate.>

1 2. Page 6, by striking lines 15 through 18 and inserting:

2 <Sec. _____. NEW SECTION. 510E.4 Summary enforcement.

3 1. Upon a determination by the commissioner that a health
4 carrier or a health carrier's agent has violated a provision of
5 this chapter, a rule adopted by the commissioner, or an order
6 issued by the commissioner under this chapter, the commissioner
7 may do any of the following:

8 a. Issue a summary order, including a brief statement of
9 findings of fact and conclusions of law, and direct the health
10 carrier or the health carrier's agent to cease and desist
11 engaging in the act or practice that is in violation of the
12 provisions of this chapter.

13 b. Take other affirmative action that in the judgment of the
14 commissioner is necessary to ensure that the health carrier or
15 the health carrier's agent complies with the requirements of
16 this chapter.

17 2. a. A health carrier or a health carrier's agent
18 that has been issued a summary order under this section may
19 contest the summary order by filing a request for a contested
20 case proceeding and hearing pursuant to chapter 17A, and in
21 accordance with rules adopted by the commissioner. The health
22 carrier or the health carrier's agent shall have at least
23 thirty calendar days from the date that the summary order
24 is issued to file a request for a contested case proceeding
25 and hearing. If a contested case proceeding and hearing is
26 not timely requested the summary order shall become final by
27 operation of law.

28 b. Section 17A.18A shall not apply to a summary order issued
29 under this section.

30 c. A summary order issued pursuant to this section shall
31 remain effective from the date of issuance unless overturned
32 by a presiding officer of a contested case hearing, or by a
33 court following the health carrier's or the health carrier's
34 agent's request for a judicial review of a final action by the
35 commissioner.

1 3. A health carrier or a health carrier's agent violating
2 a summary order issued under this section shall be deemed
3 in contempt of the summary order. Upon request of the
4 commissioner, the attorney general shall petition the district
5 court to enforce the summary order as certified by the
6 commissioner. The district court shall adjudge the health
7 carrier or the health carrier's agent in contempt of the
8 summary order if the court finds after hearing that the health
9 carrier or the health carrier's agent is not in compliance with
10 the summary order. The court may assess a civil penalty of
11 not more than one thousand dollars per day against the health
12 carrier or the health carrier's agent for each day that the
13 health carrier or the health carrier's agent is in violation of
14 the summary order, and may issue further orders as the court
15 deems appropriate.

16 Sec. ____ . NEW SECTION. 510E.5 Enforcement after hearing.

17 1. If, after a hearing pursuant to section 510E.4, the
18 commissioner determines that a health carrier or a health
19 carrier's agent has violated a provision of this chapter, a
20 rule adopted by the commissioner, or an order issued by the
21 commissioner under this chapter, the commissioner shall reduce
22 the findings to writing and shall issue and cause to be served
23 upon the health carrier or the health carrier's agent all of
24 the following:

25 a. A copy of the commissioner's findings.

26 b. An order requiring the health carrier or the health
27 carrier's agent to cease and desist from violating the
28 provisions of this chapter.

29 2. The commissioner may take other affirmative action that
30 in the judgment of the commissioner is necessary to ensure that
31 the health carrier or the health carrier's agent complies with
32 the requirements of this chapter. The commissioner may also,
33 at the commissioner's discretion, order payment of a civil
34 penalty of not more than five thousand dollars for each of the
35 health carrier's or the health carrier's agent's violations of

1 this chapter.

2 3. A health carrier or a health carrier's agent that
3 violates an order of the commissioner, and while such order is
4 in effect, may, after notice and hearing and upon order of the
5 commissioner, be subject to a civil penalty of not more than
6 ten thousand dollars for each violation of the commissioner's
7 order. A health carrier or a health carrier's agent violating
8 an order issued by the commissioner under this section shall
9 be deemed in contempt of the order. A civil penalty collected
10 pursuant to this subsection shall be deposited as provided in
11 section 505.7.

12 4. Judicial review of an action of the commissioner may be
13 sought by a health carrier or a health carrier's agent pursuant
14 to chapter 17A. To the extent that a decision or order of the
15 commissioner is affirmed in a judicial review proceeding, the
16 court shall issue an order directing that the health carrier
17 or the health carrier's agent comply with the terms of the
18 commissioner's decision or order.

19 5. After the period for judicial review of an order of the
20 commissioner has expired and no petition for judicial review
21 has been filed, upon request of the commissioner, the attorney
22 general shall proceed in the district court to enforce the
23 order of the commissioner. The court shall issue an order
24 directing that the health carrier or the health carrier's agent
25 comply with the terms of the commissioner's order.

26 6. Upon request of the commissioner, the attorney general
27 shall petition the district court to enforce an order as
28 certified by the commissioner. The district court shall
29 adjudge the health carrier or the health carrier's agent in
30 contempt of the commissioner's order if the court finds after
31 hearing that the health carrier or the health carrier's agent
32 is not in compliance with the commissioner's order. The court
33 may order a civil penalty of not more than one thousand dollars
34 per day for each day of noncompliance against the health
35 carrier or the health carrier's agent and may issue further

H-8131 (Continued)

1 orders as the court deems appropriate.>

2 3. By renumbering as necessary.

By LUNDGREN of Dubuque

H-8131 FILED MARCH 10, 2020

HOUSE FILE 2554

H-8141

1 Amend House File 2554 as follows:

2 1. Page 1, before line 1 by inserting:

3 <Section 1. Section 692A.101, subsection 1, paragraph a,
4 Code 2020, is amended by adding the following new subparagraph:
5 NEW SUBPARAGRAPH. (9) Continuous sex abuse in violation of
6 section 709.23.

7 Sec. _____. Section 692A.101, subsection 2, paragraph a, Code
8 2020, is amended by adding the following new subparagraph:
9 NEW SUBPARAGRAPH. (4) Continuous sex abuse in violation of
10 section 709.23.

11 Sec. _____. Section 692A.102, subsection 1, paragraph c, Code
12 2020, is amended by adding the following new subparagraph:
13 NEW SUBPARAGRAPH. (013) Continuous sex abuse in violation
14 of section 709.23.>

15 2. Page 2, after line 1 by inserting:

16 <Sec. _____. Section 902.14, subsection 1, Code 2020, is
17 amended by adding the following new paragraph:
18 NEW PARAGRAPH. *d.* Continuous sex abuse in violation of
19 section 709.23.

20 Sec. _____. Section 903B.10, subsection 3, Code 2020, is
21 amended by adding the following new paragraph:

22 NEW PARAGRAPH. *j.* Continuous sex abuse in violation of
23 section 709.23.>

24 3. Title page, line 1, by striking <creating> and inserting
25 <relating to>

26 4. By renumbering, redesignating, and correcting internal
27 references as necessary.

By HITE of Mahaska

H-8141 FILED MARCH 10, 2020

HOUSE FILE 2576

H-8139

1 Amend House File 2576 as follows:

2 1. Page 1, line 4, after <paid> by inserting <or had a
3 reduction in property taxes due>

4 2. Page 1, line 15, after <repayment> by inserting <or
5 reduction>

6 3. Page 2, after line 1 by inserting:

7 <Sec. ____ . ADJUSTMENT TO STATE FOUNDATION AID FOR SCHOOL
8 BUDGET YEAR 2020-2021.

9 1. If a school district was required to repay property
10 taxes paid or had a reduction in property taxes due for school
11 taxes levied for the school budget year beginning July 1,
12 2019, on a property that received an assessed value reduction
13 for the assessment year beginning January 1, 2018, by action
14 of the board of review or property assessment appeal board,
15 or by judicial action, and the amount of the reduction for
16 the property exceeded forty-seven million dollars, the school
17 district is eligible for an adjustment in state foundation aid
18 for the budget year beginning July 1, 2020.

19 2. To receive the adjustment in state foundation aid, the
20 school district shall apply to the department of management
21 within thirty days following the effective date of this Act and
22 section 257.12, subsection 3, shall not apply. The department
23 of management shall determine the amount of adjustment in state
24 foundation aid pursuant to subsection 3.

25 3. The department of management shall determine the amount
26 of state foundation aid which the school district would
27 have received under section 257.1 for the school budget year
28 beginning July 1, 2019, in the manner provided in section
29 257.12, subsection 2. The adjustment in state foundation
30 aid under this section shall be paid as provided in section
31 257.16.>

32 4. Page 2, line 4, by striking <This> and inserting <Except
33 as otherwise provided in this Act, this>

34 5. By renumbering as necessary.

H-8139 (Continued)

By LOHSE of Polk

H-8139 FILED MARCH 10, 2020

HOUSE FILE 2589

H-8142

1 Amend the amendment, H-8128, to House File 2589 as follows:

2 1. By striking page 1, line 2, through page 9, line 9, and
3 inserting:

4 <1. By striking everything after the enacting clause and
5 inserting:

6 <Section 1. Section 124E.2, subsection 2, paragraph i, Code
7 2020, is amended to read as follows:

8 *i. Untreatable Chronic pain.*

9 Sec. 2. Section 124E.2, subsection 2, Code 2020, is amended
10 by adding the following new paragraphs:

11 NEW PARAGRAPH. j. Severe, intractable autism with
12 self-injurious or aggressive behaviors.

13 NEW PARAGRAPH. k. Post-traumatic stress disorder.

14 Sec. 3. Section 124E.2, subsections 5 and 6, Code 2020, are
15 amended to read as follows:

16 5. "*Health care practitioner*" means an individual licensed
17 under chapter 148 to practice medicine and surgery or
18 osteopathic medicine and surgery, a physician assistant
19 licensed under chapter 148C, an advanced registered nurse
20 practitioner licensed under chapter 152, or an advanced
21 practice registered nurse under chapter 152E, who is a
22 patient's primary care provider or a podiatrist licensed
23 pursuant to chapter 149. "*Health care practitioner*" shall not
24 include a physician assistant licensed under chapter 148C or
25 an advanced registered nurse practitioner licensed pursuant to
26 chapter 152 or 152E.

27 6. "*Medical cannabidiol*" means any pharmaceutical
28 grade cannabinoid found in the plant *Cannabis sativa* L. or
29 *Cannabis indica* or any other preparation thereof ~~that has~~
30 ~~a tetrahydrocannabinol level of no more than three percent~~
31 ~~and that is delivered in a form recommended by the medical~~
32 ~~cannabidiol board, approved by the board of medicine, and~~
33 ~~adopted by the department pursuant to rule.~~

34 Sec. 4. Section 124E.2, Code 2020, is amended by adding the
35 following new subsection:

1 NEW SUBSECTION. 5A. “*Laboratory*” means the state hygienic
2 laboratory at the university of Iowa in Iowa City or any other
3 independent medical cannabidiol testing facility accredited
4 to standard ISO/IEC 17025 by an international organization
5 for standards-approved accrediting body, with a controlled
6 substance registration certificate from the United States drug
7 enforcement administration and a certificate of registration
8 from the board of pharmacy. For the purposes of this chapter,
9 an independent laboratory is a laboratory operated by an
10 entity that has no equity ownership in a medical cannabidiol
11 manufacturer.

12 Sec. 5. Section 124E.4, subsection 1, unnumbered paragraph
13 1, Code 2020, is amended to read as follows:

14 Subject to subsection 7, the department may ~~approve the~~
15 ~~issuance of~~ issue a medical cannabidiol registration card by
16 ~~the department of transportation~~ to a patient who:

17 Sec. 6. Section 124E.4, subsection 1, paragraph d,
18 unnumbered paragraph 1, Code 2020, is amended to read as
19 follows:

20 Submits an application to the department, on a form created
21 by the department, ~~in consultation with the department of~~
22 ~~transportation~~, that contains all of the following:

23 Sec. 7. Section 124E.4, subsection 1, paragraph f, Code
24 2020, is amended by striking the paragraph.

25 Sec. 8. Section 124E.4, subsection 2, unnumbered paragraph
26 1, Code 2020, is amended to read as follows:

27 A medical cannabidiol registration card issued to a patient
28 by the department ~~of transportation~~ pursuant to subsection 1
29 shall contain, at a minimum, all of the following:

30 Sec. 9. Section 124E.4, subsection 2, paragraph b, Code
31 2020, is amended by striking the paragraph.

32 Sec. 10. Section 124E.4, subsection 3, unnumbered paragraph
33 1, Code 2020, is amended to read as follows:

34 For a patient in a primary caregiver’s care, subject to
35 subsection 7, the department may ~~approve the issuance of~~ issue

1 a medical cannabidiol registration card ~~by the department of~~
2 ~~transportation~~ to the primary caregiver who:

3 Sec. 11. Section 124E.4, subsection 3, paragraph b,
4 unnumbered paragraph 1, Code 2020, is amended to read as
5 follows:

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

9 Sec. 12. Section 124E.4, subsection 3, paragraph c, Code
10 2020, is amended by striking the paragraph.

11 Sec. 13. Section 124E.4, subsection 4, unnumbered paragraph
12 1, Code 2020, is amended to read as follows:

13 A medical cannabidiol registration card issued by the
14 department ~~of transportation~~ to a primary caregiver pursuant to
15 subsection 3 shall contain, at a minimum, all of the following:

16 Sec. 14. Section 124E.4, subsection 4, paragraph b, Code
17 2020, is amended by striking the paragraph.

18 Sec. 15. Section 124E.4, subsection 5, Code 2020, is amended
19 to read as follows:

20 5. *Expiration date of card.* A medical cannabidiol
21 registration card issued pursuant to this section shall expire
22 ~~one year~~ three years after the date of issuance and may be
23 renewed.

24 Sec. 16. Section 124E.4, subsection 6, Code 2020, is amended
25 by striking the subsection.

26 Sec. 17. Section 124E.5, subsections 2 and 6, Code 2020, are
27 amended to read as follows:

28 2. The medical cannabidiol board shall convene at least
29 twice ~~but no more than four times~~ per year.

30 6. ~~The medical cannabidiol board may recommend a statutory~~
31 ~~revision to the definition of medical cannabidiol contained in~~
32 ~~this chapter that increases the tetrahydrocannabinol level to~~
33 ~~more than three percent, however, any such recommendation shall~~
34 ~~be submitted to the general assembly during the regular session~~
35 ~~of the general assembly following such submission.~~ The general

1 assembly shall have the sole authority to revise the definition
2 of medical cannabidiol for purposes of this chapter.

3 Sec. 18. Section 124E.6, subsection 4, Code 2020, is amended
4 by striking the subsection and inserting in lieu thereof the
5 following:

6 4. A medical cannabidiol manufacturer shall contract with
7 a laboratory to perform spot-check testing of the medical
8 cannabidiol produced by the medical cannabidiol manufacturer
9 as provided in section 124E.7. The department shall require
10 that the laboratory report testing results to the medical
11 cannabidiol manufacturer and the department as determined by
12 the department by rule. If a medical cannabidiol manufacturer
13 contracts with a laboratory other than the state hygienic
14 laboratory at the university of Iowa in Iowa City, the
15 department shall approve the laboratory to perform testing
16 pursuant to this chapter.

17 Sec. 19. Section 124E.7, subsection 1, Code 2020, is amended
18 by striking the subsection and inserting in lieu thereof the
19 following:

20 1. A medical cannabidiol manufacturer shall contract with
21 a laboratory to perform spot-check testing of the medical
22 cannabidiol produced by the medical cannabidiol manufacturer as
23 to content, contamination, and consistency. The cost of all
24 laboratory testing shall be paid by the medical cannabidiol
25 manufacturer.

26 Sec. 20. Section 124E.9, Code 2020, is amended by adding the
27 following new subsections:

28 NEW SUBSECTION. 13. A medical cannabidiol dispensary
29 shall employ a pharmacist or pharmacy technician licensed or
30 registered pursuant to chapter 155A for the purpose of making
31 dosing recommendations.

32 NEW SUBSECTION. 14. A medical cannabidiol dispensary
33 shall not dispense more than a combined total of fifteen grams
34 of total tetrahydrocannabinol to a patient and the patient's
35 primary caregiver in a ninety-day period, except as provided

1 in subsection 15.

2 NEW SUBSECTION. 15. A medical cannabidiol dispensary may
3 dispense more than a combined total of fifteen grams of total
4 tetrahydrocannabinol to a patient and the patient's primary
5 caregiver in a ninety-day period if any of the following apply:
6 a. The health care practitioner who certified the patient to
7 receive a medical cannabidiol registration card certifies that
8 patient's debilitating medical condition is a terminal illness
9 with a life expectancy of less than one year. A certification
10 issued pursuant to this paragraph shall include a total
11 tetrahydrocannabinol cap deemed appropriate by the patient's
12 health care practitioner.

13 b. The health care practitioner who certified the patient to
14 receive a medical cannabidiol registration card certifies that
15 the patient has participated in the medical cannabidiol program
16 and that the health care practitioner has determined that
17 fifteen grams of total tetrahydrocannabinol in a ninety-day
18 period is insufficient to treat the patient's debilitating
19 medical condition. A certification issued pursuant to this
20 paragraph shall include a total tetrahydrocannabinol cap deemed
21 appropriate by the patient's health care practitioner.

22 Sec. 21. Section 124E.11, subsection 1, paragraph b,
23 subparagraph (1), subparagraph divisions (a) and (c), Code
24 2020, are amended to read as follows:

25 (a) To authorized employees or agents of the department ~~and~~
26 ~~the department of transportation~~ as necessary to perform the
27 duties of the department ~~and the department of transportation~~
28 pursuant to this chapter.

29 (c) To authorized employees of a medical cannabidiol
30 dispensary, but only for the ~~purpose~~ purposes of verifying that
31 a person is lawfully in possession of a medical cannabidiol
32 registration card issued pursuant to this chapter and that a
33 person has not purchased total tetrahydrocannabinol in excess
34 of the amount authorized by this chapter.

35 Sec. 22. Section 124E.11, subsection 1, paragraph b,

1 subparagraph (1), Code 2020, is amended by adding the following
2 new subparagraph division:

3 NEW SUBPARAGRAPH DIVISION. (e) To a health care
4 practitioner for the purpose of determining whether a patient
5 seeking a written certification pursuant to section 124E.3 has
6 already received a written certification from another health
7 care practitioner.

8 Sec. 23. Section 124E.12, subsection 7, Code 2020, is
9 amended to read as follows:

10 7. Notwithstanding any law to the contrary, the department,
11 ~~the department of transportation,~~ the governor, or any employee
12 of any state agency shall not be held civilly or criminally
13 liable for any injury, loss of property, personal injury, or
14 death caused by any act or omission while acting within the
15 scope of office or employment as authorized under this chapter.

16 Sec. 24. NEW SECTION. **124E.20 Observational effectiveness**
17 **study.**

18 The department may conduct an observational effectiveness
19 study in cooperation with patients and health care
20 practitioners and pursuant to rules of the department in order
21 to study the effectiveness of medical cannabidiol in the
22 treatment of debilitating medical conditions.

23 Sec. 25. PROTECTION OF FEDERAL FUNDING. The department
24 of public health shall request guarantees from the agencies
25 of the federal government providing funding to educational
26 and long-term care facilities that facilities with policies
27 allowing patients to possess medical cannabidiol on the grounds
28 of the facilities consistent with chapter 124E or allowing
29 facility staff to administer medical cannabidiol to a patient
30 shall not lose eligibility for any federal funding due to such
31 policies.

32 Sec. 26. TRANSITION PROVISIONS. A medical cannabidiol
33 registration card issued prior to July 1, 2020, remains
34 effective and continues in effect as issued for the
35 twelve-month period following its issuance.>>

H-8142 (Continued)

By GASKILL of Wapello

H-8142 FILED MARCH 10, 2020

HOUSE FILE 2589

H-8143

1 Amend the amendment, H-8128, to House File 2589 as follows:

2 1. By striking page 1, line 2, through page 9, line 9, and
3 inserting:

4 <1. By striking everything after the enacting clause and
5 inserting:

6 <Section 1. Section 124E.2, subsection 2, paragraph i, Code
7 2020, is amended to read as follows:

8 *i. Untreatable Chronic pain.*

9 Sec. 2. Section 124E.2, subsection 2, Code 2020, is amended
10 by adding the following new paragraphs:

11 NEW PARAGRAPH. j. Severe, intractable autism with
12 self-injurious or aggressive behaviors.

13 NEW PARAGRAPH. k. Post-traumatic stress disorder.

14 Sec. 3. Section 124E.2, subsections 5 and 6, Code 2020, are
15 amended to read as follows:

16 5. "*Health care practitioner*" means an individual licensed
17 under chapter 148 to practice medicine and surgery or
18 osteopathic medicine and surgery, a physician assistant
19 licensed under chapter 148C, an advanced registered nurse
20 practitioner licensed under chapter 152, or an advanced
21 practice registered nurse under chapter 152E, who is a
22 patient's primary care provider or a podiatrist licensed
23 pursuant to chapter 149. "*Health care practitioner*" shall not
24 include a physician assistant licensed under chapter 148C or
25 an advanced registered nurse practitioner licensed pursuant to
26 chapter 152 or 152E.

27 6. "*Medical cannabidiol*" means any pharmaceutical
28 grade cannabinoid found in the plant *Cannabis sativa* L. or
29 *Cannabis indica* or any other preparation thereof ~~that has~~
30 ~~a tetrahydrocannabinol level of no more than three percent~~
31 ~~and that is delivered in a form recommended by the medical~~
32 ~~cannabidiol board, approved by the board of medicine, and~~
33 ~~adopted by the department pursuant to rule.~~

34 Sec. 4. Section 124E.2, Code 2020, is amended by adding the
35 following new subsection:

1 NEW SUBSECTION. 5A. *“Laboratory”* means the state hygienic
2 laboratory at the university of Iowa in Iowa City or any other
3 independent medical cannabidiol testing facility accredited
4 to standard ISO/IEC 17025 by an international organization
5 for standards-approved accrediting body, with a controlled
6 substance registration certificate from the United States drug
7 enforcement administration and a certificate of registration
8 from the board of pharmacy. For the purposes of this chapter,
9 an independent laboratory is a laboratory operated by an
10 entity that has no equity ownership in a medical cannabidiol
11 manufacturer.

12 Sec. 5. NEW SECTION. 124E.3A State medical director
13 certification — rules.

14 1. The department shall establish by rule by January 1,
15 2021, a process for a patient who has been denied a written
16 certification by a health care practitioner pursuant to section
17 124E.3 to receive a written certification from the state
18 medical director of the department.

19 2. The process established pursuant to subsection 1 shall
20 include all of the following provisions:

21 a. The patient shall submit the patient’s medical records
22 to the state medical director.

23 b. The state medical director shall verify that the
24 patient’s health care practitioner refused to provide a written
25 certification to the patient pursuant to section 124E.3.

26 c. The state medical director shall determine whether
27 the patient suffers from a debilitating medical condition
28 that qualifies for the use of medical cannabidiol under this
29 chapter.

30 d. The state medical director shall determine whether the
31 patient may benefit from the use of medical cannabidiol.

32 e. If the state medical director determines that the patient
33 suffers from a debilitating medical condition, that the patient
34 may benefit from the use of medical cannabidiol, and that the
35 patient’s health care practitioner refused to provide a written

1 certification to the patient, the state medical director shall
2 provide a written certification to the patient.

3 3. The custodian of a patient's medical records shall
4 provide the patient's medical records to the state medical
5 director or the patient for the purpose of obtaining a written
6 certification pursuant to this section without charge to the
7 patient or the state medical director.

8 4. The state medical director shall keep confidential all
9 medical records provided to the state medical director pursuant
10 to this section.

11 Sec. 6. Section 124E.4, subsection 1, unnumbered paragraph
12 1, Code 2020, is amended to read as follows:

13 Subject to subsection 7, the department may ~~approve the~~
14 ~~issuance of~~ issue a medical cannabidiol registration card ~~by~~
15 ~~the department of transportation~~ to a patient who:

16 Sec. 7. Section 124E.4, subsection 1, paragraph c, Code
17 2020, is amended to read as follows:

18 c. Submits a written certification to the department signed
19 by the patient's health care practitioner or the state medical
20 director that the patient is suffering from a debilitating
21 medical condition.

22 Sec. 8. Section 124E.4, subsection 1, paragraph d,
23 unnumbered paragraph 1, Code 2020, is amended to read as
24 follows:

25 Submits an application to the department, on a form created
26 by the department, ~~in consultation with the department of~~
27 ~~transportation~~, that contains all of the following:

28 Sec. 9. Section 124E.4, subsection 1, paragraph f, Code
29 2020, is amended by striking the paragraph.

30 Sec. 10. Section 124E.4, subsection 2, unnumbered paragraph
31 1, Code 2020, is amended to read as follows:

32 A medical cannabidiol registration card issued to a patient
33 by the department ~~of transportation~~ pursuant to subsection 1
34 shall contain, at a minimum, all of the following:

35 Sec. 11. Section 124E.4, subsection 2, paragraph b, Code

1 2020, is amended by striking the paragraph.

2 Sec. 12. Section 124E.4, subsection 3, unnumbered paragraph
3 1, Code 2020, is amended to read as follows:

4 For a patient in a primary caregiver's care, subject to
5 subsection 7, the department may ~~approve the issuance of~~ issue
6 a medical cannabidiol registration card ~~by the department of~~
7 ~~transportation~~ to the primary caregiver who:

8 Sec. 13. Section 124E.4, subsection 3, paragraph a, Code
9 2020, is amended to read as follows:

10 a. Submits a written certification to the department signed
11 by the patient's health care practitioner or the state medical
12 director that the patient in the primary caregiver's care is
13 suffering from a debilitating medical condition.

14 Sec. 14. Section 124E.4, subsection 3, paragraph b,
15 unnumbered paragraph 1, Code 2020, is amended to read as
16 follows:

17 Submits an application to the department, on a form created
18 by the department, ~~in consultation with the department of~~
19 ~~transportation~~, that contains all of the following:

20 Sec. 15. Section 124E.4, subsection 3, paragraph c, Code
21 2020, is amended by striking the paragraph.

22 Sec. 16. Section 124E.4, subsection 4, unnumbered paragraph
23 1, Code 2020, is amended to read as follows:

24 A medical cannabidiol registration card issued by the
25 department ~~of transportation~~ to a primary caregiver pursuant to
26 subsection 3 shall contain, at a minimum, all of the following:

27 Sec. 17. Section 124E.4, subsection 4, paragraph b, Code
28 2020, is amended by striking the paragraph.

29 Sec. 18. Section 124E.4, subsection 6, Code 2020, is amended
30 by striking the subsection.

31 Sec. 19. Section 124E.5, subsections 2 and 6, Code 2020, are
32 amended to read as follows:

33 2. The medical cannabidiol board shall convene at least
34 twice ~~but no more than four times~~ per year.

35 6. ~~The medical cannabidiol board may recommend a statutory~~

~~1 revision to the definition of medical cannabidiol contained in~~
~~2 this chapter that increases the tetrahydrocannabinol level to~~
~~3 more than three percent, however, any such recommendation shall~~
~~4 be submitted to the general assembly during the regular session~~
~~5 of the general assembly following such submission. The general~~
6 assembly shall have the sole authority to revise the definition
7 of medical cannabidiol for purposes of this chapter.

8 Sec. 20. Section 124E.6, subsection 4, Code 2020, is amended
9 by striking the subsection and inserting in lieu thereof the
10 following:

11 4. A medical cannabidiol manufacturer shall contract with
12 a laboratory to perform spot-check testing of the medical
13 cannabidiol produced by the medical cannabidiol manufacturer
14 as provided in section 124E.7. The department shall require
15 that the laboratory report testing results to the medical
16 cannabidiol manufacturer and the department as determined by
17 the department by rule. If a medical cannabidiol manufacturer
18 contracts with a laboratory other than the state hygienic
19 laboratory at the university of Iowa in Iowa City, the
20 department shall approve the laboratory to perform testing
21 pursuant to this chapter.

22 Sec. 21. Section 124E.7, subsection 1, Code 2020, is amended
23 by striking the subsection and inserting in lieu thereof the
24 following:

25 1. A medical cannabidiol manufacturer shall contract with
26 a laboratory to perform spot-check testing of the medical
27 cannabidiol produced by the medical cannabidiol manufacturer as
28 to content, contamination, and consistency. The cost of all
29 laboratory testing shall be paid by the medical cannabidiol
30 manufacturer.

31 Sec. 22. Section 124E.9, Code 2020, is amended by adding the
32 following new subsections:

33 NEW SUBSECTION. 13. A medical cannabidiol dispensary
34 shall employ a pharmacist or pharmacy technician licensed or
35 registered pursuant to chapter 155A for the purpose of making

1 dosing recommendations.

2 NEW SUBSECTION. 14. A medical cannabidiol dispensary
3 shall not dispense more than a combined total of fifteen grams
4 of total tetrahydrocannabinol to a patient and the patient's
5 primary caregiver in a ninety-day period, except as provided
6 in subsection 15.

7 NEW SUBSECTION. 15. A medical cannabidiol dispensary may
8 dispense more than a combined total of fifteen grams of total
9 tetrahydrocannabinol to a patient and the patient's primary
10 caregiver in a ninety-day period if any of the following apply:

11 a. The health care practitioner who certified the patient to
12 receive a medical cannabidiol registration card certifies that
13 patient's debilitating medical condition is a terminal illness
14 with a life expectancy of less than one year. A certification
15 issued pursuant to this paragraph shall include a total
16 tetrahydrocannabinol cap deemed appropriate by the patient's
17 health care practitioner.

18 b. The health care practitioner who certified the patient to
19 receive a medical cannabidiol registration card certifies that
20 the patient has participated in the medical cannabidiol program
21 and that the health care practitioner has determined that
22 fifteen grams of total tetrahydrocannabinol in a ninety-day
23 period is insufficient to treat the patient's debilitating
24 medical condition. A certification issued pursuant to this
25 paragraph shall include a total tetrahydrocannabinol cap deemed
26 appropriate by the patient's health care practitioner.

27 Sec. 23. Section 124E.11, subsection 1, paragraph b,
28 subparagraph (1), subparagraph divisions (a) and (c), Code
29 2020, are amended to read as follows:

30 (a) To authorized employees or agents of the department and
31 ~~the department of transportation~~ as necessary to perform the
32 duties of the department ~~and the department of transportation~~
33 pursuant to this chapter.

34 (c) To authorized employees of a medical cannabidiol
35 dispensary, but only for the purpose purposes of verifying that

1 a person is lawfully in possession of a medical cannabidiol
2 registration card issued pursuant to this chapter and that a
3 person has not purchased total tetrahydrocannabinol in excess
4 of the amount authorized by this chapter.

5 Sec. 24. Section 124E.11, subsection 1, paragraph b,
6 subparagraph (1), Code 2020, is amended by adding the following
7 new subparagraph division:

8 NEW SUBPARAGRAPH DIVISION. (e) To a health care
9 practitioner for the purpose of determining whether a patient
10 seeking a written certification pursuant to section 124E.3 has
11 already received a written certification from another health
12 care practitioner.

13 Sec. 25. Section 124E.12, subsection 1, Code 2020, is
14 amended to read as follows:

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

24 Sec. 26. Section 124E.12, subsection 7, Code 2020, is
25 amended to read as follows:

26 7. Notwithstanding any law to the contrary, the department,
27 ~~the department of transportation,~~ the governor, or any employee
28 of any state agency shall not be held civilly or criminally
29 liable for any injury, loss of property, personal injury, or
30 death caused by any act or omission while acting within the
31 scope of office or employment as authorized under this chapter.

32 Sec. 27. NEW SECTION. **124E.20 Observational effectiveness**
33 **study.**

34 The department may conduct an observational effectiveness
35 study in cooperation with patients and health care

H-8143 (Continued)

1 practitioners and pursuant to rules of the department in order
2 to study the effectiveness of medical cannabidiol in the
3 treatment of debilitating medical conditions.

4 Sec. 28. PROTECTION OF FEDERAL FUNDING. The department
5 of public health shall request guarantees from the agencies
6 of the federal government providing funding to educational
7 and long-term care facilities that facilities with policies
8 allowing patients to possess medical cannabidiol on the grounds
9 of the facilities consistent with chapter 124E or allowing
10 facility staff to administer medical cannabidiol to a patient
11 shall not lose eligibility for any federal funding due to such
12 policies.

13 Sec. 29. TRANSITION PROVISIONS. A medical cannabidiol
14 registration card issued prior to July 1, 2020, remains
15 effective and continues in effect as issued for the
16 twelve-month period following its issuance.>>

By ISENHART of Dubuque

H-8143 FILED MARCH 10, 2020

HOUSE FILE 2589

H-8144

1 Amend the amendment, H-8128, to House File 2589 as follows:

2 1. By striking page 1, line 2, through page 9, line 9, and
3 inserting:

4 <1. By striking everything after the enacting clause and
5 inserting:

6 <Section 1. Section 124E.2, subsection 2, paragraph i, Code
7 2020, is amended to read as follows:

8 *i. Untreatable Chronic pain.*

9 Sec. 2. Section 124E.2, subsection 2, Code 2020, is amended
10 by adding the following new paragraphs:

11 NEW PARAGRAPH. j. Severe, intractable autism with
12 self-injurious or aggressive behaviors.

13 NEW PARAGRAPH. k. Post-traumatic stress disorder.

14 Sec. 3. Section 124E.2, subsections 5 and 6, Code 2020, are
15 amended to read as follows:

16 5. "*Health care practitioner*" means an individual licensed
17 under chapter 148 to practice medicine and surgery or
18 osteopathic medicine and surgery, a physician assistant
19 licensed under chapter 148C, an advanced registered nurse
20 practitioner licensed under chapter 152, or an advanced
21 practice registered nurse under chapter 152E, who is a
22 patient's primary care provider or a podiatrist licensed
23 pursuant to chapter 149. "*Health care practitioner*" shall not
24 include a physician assistant licensed under chapter 148C or
25 an advanced registered nurse practitioner licensed pursuant to
26 chapter 152 or 152E.

27 6. "*Medical cannabidiol*" means any pharmaceutical
28 grade cannabinoid found in the plant *Cannabis sativa* L. or
29 *Cannabis indica* or any other preparation thereof ~~that has~~
30 ~~a tetrahydrocannabinol level of no more than three percent~~
31 ~~and that is delivered in a form recommended by the medical~~
32 ~~cannabidiol board, approved by the board of medicine, and~~
33 ~~adopted by the department pursuant to rule.~~

34 Sec. 4. Section 124E.2, Code 2020, is amended by adding the
35 following new subsection:

1 NEW SUBSECTION. 5A. “*Laboratory*” means the state hygienic
2 laboratory at the university of Iowa in Iowa City or any other
3 independent medical cannabidiol testing facility accredited
4 to standard ISO/IEC 17025 by an international organization
5 for standards-approved accrediting body, with a controlled
6 substance registration certificate from the United States drug
7 enforcement administration and a certificate of registration
8 from the board of pharmacy. For the purposes of this chapter,
9 an independent laboratory is a laboratory operated by an
10 entity that has no equity ownership in a medical cannabidiol
11 manufacturer.

12 Sec. 5. Section 124E.4, subsection 1, unnumbered paragraph
13 1, Code 2020, is amended to read as follows:

14 Subject to subsection 7, the department may ~~approve the~~
15 ~~issuance of~~ issue a medical cannabidiol registration card ~~by~~
16 ~~the department of transportation~~ to a patient who:

17 Sec. 6. Section 124E.4, subsection 1, paragraph d,
18 unnumbered paragraph 1, Code 2020, is amended to read as
19 follows:

20 Submits an application to the department, on a form created
21 by the department, ~~in consultation with the department of~~
22 ~~transportation~~, that contains all of the following:

23 Sec. 7. Section 124E.4, subsection 1, paragraph f, Code
24 2020, is amended by striking the paragraph.

25 Sec. 8. Section 124E.4, subsection 2, unnumbered paragraph
26 1, Code 2020, is amended to read as follows:

27 A medical cannabidiol registration card issued to a patient
28 by the department ~~of transportation~~ pursuant to subsection 1
29 shall contain, at a minimum, all of the following:

30 Sec. 9. Section 124E.4, subsection 2, paragraph b, Code
31 2020, is amended by striking the paragraph.

32 Sec. 10. Section 124E.4, subsection 3, unnumbered paragraph
33 1, Code 2020, is amended to read as follows:

34 For a patient in a primary caregiver’s care, subject to
35 subsection 7, the department may ~~approve the issuance of~~ issue

1 a medical cannabidiol registration card ~~by the department of~~
2 ~~transportation~~ to the primary caregiver who:

3 Sec. 11. Section 124E.4, subsection 3, paragraph b,
4 unnumbered paragraph 1, Code 2020, is amended to read as
5 follows:

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

9 Sec. 12. Section 124E.4, subsection 3, paragraph c, Code
10 2020, is amended by striking the paragraph.

11 Sec. 13. Section 124E.4, subsection 4, unnumbered paragraph
12 1, Code 2020, is amended to read as follows:

13 A medical cannabidiol registration card issued by the
14 department ~~of transportation~~ to a primary caregiver pursuant to
15 subsection 3 shall contain, at a minimum, all of the following:

16 Sec. 14. Section 124E.4, subsection 4, paragraph b, Code
17 2020, is amended by striking the paragraph.

18 Sec. 15. Section 124E.4, subsection 6, Code 2020, is amended
19 by striking the subsection.

20 Sec. 16. Section 124E.5, subsections 2 and 6, Code 2020, are
21 amended to read as follows:

22 2. The medical cannabidiol board shall convene at least
23 twice ~~but no more than four times~~ per year.

24 6. ~~The medical cannabidiol board may recommend a statutory~~
25 ~~revision to the definition of medical cannabidiol contained in~~
26 ~~this chapter that increases the tetrahydrocannabinol level to~~
27 ~~more than three percent, however, any such recommendation shall~~
28 ~~be submitted to the general assembly during the regular session~~
29 ~~of the general assembly following such submission. The general~~
30 assembly shall have the sole authority to revise the definition
31 of medical cannabidiol for purposes of this chapter.

32 Sec. 17. Section 124E.6, subsection 4, Code 2020, is amended
33 by striking the subsection and inserting in lieu thereof the
34 following:

35 4. A medical cannabidiol manufacturer shall contract with

1 a laboratory to perform spot-check testing of the medical
2 cannabidiol produced by the medical cannabidiol manufacturer
3 as provided in section 124E.7. The department shall require
4 that the laboratory report testing results to the medical
5 cannabidiol manufacturer and the department as determined by
6 the department by rule. If a medical cannabidiol manufacturer
7 contracts with a laboratory other than the state hygienic
8 laboratory at the university of Iowa in Iowa City, the
9 department shall approve the laboratory to perform testing
10 pursuant to this chapter.

11 Sec. 18. Section 124E.7, subsection 1, Code 2020, is amended
12 by striking the subsection and inserting in lieu thereof the
13 following:

14 1. A medical cannabidiol manufacturer shall contract with
15 a laboratory to perform spot-check testing of the medical
16 cannabidiol produced by the medical cannabidiol manufacturer as
17 to content, contamination, and consistency. The cost of all
18 laboratory testing shall be paid by the medical cannabidiol
19 manufacturer.

20 Sec. 19. Section 124E.9, Code 2020, is amended by adding the
21 following new subsections:

22 NEW SUBSECTION. 13. A medical cannabidiol dispensary
23 shall employ a pharmacist or pharmacy technician licensed or
24 registered pursuant to chapter 155A for the purpose of making
25 dosing recommendations.

26 NEW SUBSECTION. 14. A medical cannabidiol dispensary
27 shall not dispense more than a combined total of fifteen grams
28 of total tetrahydrocannabinol to a patient and the patient's
29 primary caregiver in a ninety-day period, except as provided
30 in subsection 15.

31 NEW SUBSECTION. 15. A medical cannabidiol dispensary may
32 dispense more than a combined total of fifteen grams of total
33 tetrahydrocannabinol to a patient and the patient's primary
34 caregiver in a ninety-day period if any of the following apply:

35 a. The health care practitioner who certified the patient to

1 receive a medical cannabidiol registration card certifies that
2 patient's debilitating medical condition is a terminal illness
3 with a life expectancy of less than one year. A certification
4 issued pursuant to this paragraph shall include a total
5 tetrahydrocannabinol cap deemed appropriate by the patient's
6 health care practitioner.

7 *b.* The health care practitioner who certified the patient to
8 receive a medical cannabidiol registration card certifies that
9 the patient has participated in the medical cannabidiol program
10 and that the health care practitioner has determined that
11 fifteen grams of total tetrahydrocannabinol in a ninety-day
12 period is insufficient to treat the patient's debilitating
13 medical condition. A certification issued pursuant to this
14 paragraph shall include a total tetrahydrocannabinol cap deemed
15 appropriate by the patient's health care practitioner.

16 Sec. 20. Section 124E.11, subsection 1, paragraph b,
17 subparagraph (1), subparagraph divisions (a) and (c), Code
18 2020, are amended to read as follows:

19 (a) To authorized employees or agents of the department ~~and~~
20 ~~the department of transportation~~ as necessary to perform the
21 duties of the department ~~and the department of transportation~~
22 pursuant to this chapter.

23 (c) To authorized employees of a medical cannabidiol
24 dispensary, but only for the ~~purpose~~ purposes of verifying that
25 a person is lawfully in possession of a medical cannabidiol
26 registration card issued pursuant to this chapter and that a
27 person has not purchased total tetrahydrocannabinol in excess
28 of the amount authorized by this chapter.

29 Sec. 21. Section 124E.11, subsection 1, paragraph b,
30 subparagraph (1), Code 2020, is amended by adding the following
31 new subparagraph division:

32 NEW SUBPARAGRAPH DIVISION. (e) To a health care
33 practitioner for the purpose of determining whether a patient
34 seeking a written certification pursuant to section 124E.3 has
35 already received a written certification from another health

1 care practitioner.

2 Sec. 22. Section 124E.12, subsection 7, Code 2020, is
3 amended to read as follows:

4 7. Notwithstanding any law to the contrary, the department,
5 ~~the department of transportation,~~ the governor, or any employee
6 of any state agency shall not be held civilly or criminally
7 liable for any injury, loss of property, personal injury, or
8 death caused by any act or omission while acting within the
9 scope of office or employment as authorized under this chapter.

10 Sec. 23. NEW SECTION. 124E.20 **Observational effectiveness**
11 **study.**

12 The department may conduct an observational effectiveness
13 study in cooperation with patients and health care
14 practitioners and pursuant to rules of the department in order
15 to study the effectiveness of medical cannabidiol in the
16 treatment of debilitating medical conditions.

17 Sec. 24. PROTECTION OF FEDERAL FUNDING. The department
18 of public health shall request guarantees from the agencies
19 of the federal government providing funding to educational
20 and long-term care facilities that facilities with policies
21 allowing patients to possess medical cannabidiol on the grounds
22 of the facilities consistent with chapter 124E or allowing
23 facility staff to administer medical cannabidiol to a patient
24 shall not lose eligibility for any federal funding due to such
25 policies.

26 Sec. 25. TRANSITION PROVISIONS. A medical cannabidiol
27 registration card issued prior to July 1, 2020, remains
28 effective and continues in effect as issued for the
29 twelve-month period following its issuance.>>

By KRESSIG of Black Hawk

SENATE FILE 460

H-8147

1 Amend Senate File 460, as passed by the Senate, as follows:

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

4 <Section 1. Section 728.2, Code 2020, is amended to read as
5 follows:

6 **728.2 Dissemination and exhibition of obscene material to
7 minors.**

8 1. Any person, other than the parent or guardian of the
9 minor not subject to subsection 2, who knowingly disseminates
10 or exhibits obscene material to a minor, including the
11 exhibition of obscene material so that it can be observed by a
12 minor on or off the premises where it is displayed, is guilty
13 of a public offense and shall upon conviction be guilty of a
14 serious misdemeanor.

15 2. Any parent or guardian who has been convicted of or
16 adjudicated delinquent for any sex offense classified as a tier
17 I, tier II, or tier III offense under chapter 692A requiring
18 registration as a sex offender, or who is required to register
19 in another jurisdiction under the other jurisdiction's sex
20 offender registry for a sex offense, is subject to conviction
21 for a violation of subsection 1.>

By COMMITTEE ON JUDICIARY

HOLT of Crawford, Chairperson

H-8147 FILED MARCH 10, 2020

SENATE FILE 621

H-8146

1 Amend Senate File 621, as amended, passed, and reprinted by
2 the Senate, as follows:

- 3 1. Page 1, line 1, by striking <2019> and inserting <2020>
- 4 2. Page 5, line 15, by striking <1950> and inserting <1970>
- 5 3. Page 5, line 16, by striking <2020> and inserting <2021>
- 6 4. Page 5, line 23, by striking <2019> and inserting <2020>
- 7 5. Page 7, line 2, by striking <2019> and inserting <2020>
- 8 6. Page 7, line 10, by striking <2019> and inserting <2020>
- 9 7. Page 7, line 32, by striking <1950> and inserting <1970>

By COMMITTEE ON WAYS AND MEANS

HEIN of Jones, Chairperson

H-8146 FILED MARCH 10, 2020

SENATE FILE 2097

H-8136

1 Amend Senate File 2097, as passed by the Senate, as follows:

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

4 <Section 1. Section 709.9, Code 2020, is amended to read as
5 follows:

6 **709.9 Indecent exposure — masturbation.**

7 1. A person who exposes the person's genitals or ~~pubes~~ pubic
8 area to another not the person's spouse, or who commits a sex
9 act in the presence of or view of a third person, commits a
10 serious misdemeanor, ~~if~~ if all of the following apply:

11 ~~1. a.~~ a. The person does so to arouse or satisfy the sexual
12 desires of either party, ~~and.~~

13 ~~2. b.~~ b. The person knows or reasonably should know that the
14 act is offensive to the viewer.

15 2. a. A person who masturbates in public in the presence of
16 another, not a child, commits a serious misdemeanor.

17 b. A person who masturbates in public in the presence of a
18 child commits an aggravated misdemeanor.

19 c. For the purpose of this subsection, "masturbate" means
20 physical stimulation of a person's own genitals or pubic area
21 for the purpose of sexual gratification or arousal of the
22 person, regardless of whether the genitals or pubic area is
23 exposed or covered.>

24 2. Title page, line 1, after <exposure> by inserting <,
25 providing penalties,>

By LOHSE of Polk

H-8136 FILED MARCH 10, 2020

SENATE FILE 2119

H-8137

1 Amend the amendment, H-8118, to Senate File 2119, as passed
2 by the Senate, as follows:

3 1. Page 1, after line 7 by inserting:

4 <Sec. ____ . NEW SECTION. 124.101C Injection drug use —
5 **legislative findings.**

6 The general assembly of the state of Iowa finds and declares
7 the following:

8 1. Injection drug use is the main driver for increases in
9 hepatitis C cases among young adults due partially to recent
10 increases in the misuse of prescription and nonprescription
11 opioids as well as increases in opioid injections.

12 2. The number of patients diagnosed with opioid use disorder
13 increased three hundred seventy-eight percent from thirty-nine
14 thousand one hundred nine in 1999 to one hundred eighty-six
15 thousand nine hundred seventy-nine in 2013 in a seventeen-state
16 sample.

17 3. Opioid use disorder imposes considerable financial
18 burdens on state Medicaid programs, and the burden is
19 increasing over time. After adjusting for inflation, total
20 Medicaid costs associated with opioid use disorder more than
21 tripled over a five-year time period, reaching more than
22 three billion dollars in 2013, from nine hundred nineteen
23 million dollars in 1999, with most of the growth due to excess
24 nonopioid use disorder treatment costs for patients with opioid
25 use disorder, which increased three hundred sixty-three percent
26 over the period, triple the rate of growth in expenditures for
27 opioid use disorder treatment services.

28 4. Findings extrapolated to the entire United States
29 suggest that the Medicaid costs associated with opioid use
30 disorder increased from more than two billion dollars in 1999
31 to more than eight billion dollars in 2013, with the cumulative
32 costs over a fifteen-year time period amounting to more than
33 seventy-two billion four hundred million dollars.

34 5. The centers for disease control and prevention of
35 the United States department of health and human services

H-8137 (Continued)

1 recommends that states scale up effective programs to promote
2 drug treatment as well as hepatitis testing and treatment
3 efforts in local communities.

4 6. Syringe services can be important in reducing the risk
5 of infection with blood-borne pathogens such as hepatitis
6 B and HIV, as well as hepatitis C, and should be part of a
7 comprehensive program that also addresses access to treatment,
8 medication-assisted treatment, and education of medical
9 professionals on the appropriate prescription of opioids.

10 7. Syringe services programs are a proven method of getting
11 people into substance use disorder treatment, with one study
12 finding that users of syringe services programs are five
13 times more likely to enter treatment than those who did not
14 participate.

15 8. The national academies of sciences, engineering, and
16 medicine recommends that states expand access to syringe
17 services programs combined with opioid agonist therapies in
18 accessible venues.>

By ISENHART of Dubuque

[H-8137](#) FILED MARCH 10, 2020

SENATE FILE 2296

H-8138

1 Amend Senate File 2296, as passed by the Senate, as follows:

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

4 <Section 1. Section 96.14, subsection 2, paragraph e, Code
5 2020, is amended to read as follows:

6 e. (1) If the department finds that any employer has
7 willfully failed to pay any contribution or part thereof when
8 required by this chapter and the rules of the department,
9 with intent to defraud the department, then such employer
10 shall in addition to such contribution or part thereof, pay
11 a contribution equal to fifty percent of the amount of such
12 contribution or part thereof, as the case may be.

13 (2) If the department finds that such a failure to pay by an
14 employer involves the misclassification of an employee's wages
15 on a federal 1099 record, for any subsequent finding by the
16 department of such a failure to pay by that employer involving
17 the misclassification of an employee's wages on a federal 1099
18 record, the additional contribution required by subparagraph
19 (1) shall instead equal one hundred percent of the amount the
20 employer failed to pay due to misclassification.>

21 2. Title page, by striking lines 1 and 2 and inserting
22 <An Act increasing certain penalties for employers willfully
23 misclassifying employees for unemployment compensation
24 contribution purposes.>

By HUNTER of Polk

H-8138 FILED MARCH 10, 2020

SENATE FILE 2357

H-8140

- 1 Amend Senate File 2357, as passed by the Senate, as follows:
2 1. Page 8, line 29, by striking <may use> and inserting
3 <will not be subject to discipline by the board for using>
4 2. Page 13, line 20, after <except> by inserting <when such
5 representation is exempt from discipline>

By BEST of Carroll

H-8140 FILED MARCH 10, 2020



[HF 737](#) – Animal Mistreatment (LSB2126HV)

Analyst: Debra Kozel (515.281.6767) deb.kozel@legis.iowa.gov

Fiscal Note Version – As amended by [H-8084](#) and passed by the Senate

Description

[House File 737](#) as amended by H-8084 amends Iowa Code chapter [717B](#) related to the mistreatment of animals that are not livestock or game animals. The criminal offenses addressed by the Bill include:

- Tampering with a rabies vaccination tag:
 - Defined as when a person knowingly removes, damages, or destroys a rabies vaccination tag that is attached to a collar worn by a dog.
 - A person convicted of a first offense is guilty of a simple misdemeanor.
 - A person convicted of a second or subsequent offense is guilty of a serious misdemeanor.
- Tampering with an electronic handling device:
 - Defined as when a person knowingly removes, damages, or destroys an electronic handling device that is attached to or worn by the dog or attached to an item worn by the dog.
 - A person convicted of a first offense is guilty of a simple misdemeanor.
 - A person convicted of a second or subsequent offense is guilty of a serious misdemeanor.
- Animal abuse:
 - Defined as when a person intentionally, knowingly, or recklessly acts to cause injury, serious injury, or death to an animal by force, violence, or poisoning.
 - Abuse that does not cause serious injury or death to an animal is punishable as a serious misdemeanor.
 - Abuse that causes serious injury or death to an animal is punishable as an aggravated misdemeanor.
 - Abuse that causes serious injury or death to an animal is punishable as a Class D felony if the abuse is committed by a person who has been previously convicted of committing animal abuse, animal neglect, animal abandonment, animal endangerment, injury to or interference with a police service dog, bestiality, or an act involving an animal contest event.
- Animal neglect:
 - Defined as a person failing to reasonably provide sufficient food, water, sanitary conditions, ventilated shelter, grooming, or veterinary care to an animal in a person's custody.
 - Neglect that does not cause serious injury or death to an animal is punishable as a simple misdemeanor.
 - Neglect that causes injury other than serious injury or death to an animal is punishable as a serious misdemeanor.
 - Neglect that causes serious injury or death to an animal is punishable as an aggravated misdemeanor.

- Neglect that causes serious injury or death to an animal is punishable as a Class D felony if committed by a person who has been previously convicted of committing one of the offenses enumerated under “animal abuse” above.
- Animal torture:
 - Defined as a person intentionally, knowingly, or recklessly inflicting upon an animal severe and prolonged or repeated pain that results in the animal’s suffering and serious injury or death.
 - Juvenile court will have the jurisdiction over a minor accused of committing animal torture.
 - A person who commits animal torture is guilty of an aggravated misdemeanor.
 - A person who commits animal torture is guilty of a Class D felony if the person has been previously convicted of committing one of the offenses enumerated under “animal abuse” above.
- Abandonment of cats and dogs:
 - Defined as a person who owns or has custody of a cat or dog relinquishing all rights and duties to care for the animal. The Bill specifies exceptions.
 - Abandonment that does not cause serious injury or death to an animal is punishable as a simple misdemeanor.
 - Abandonment that causes injury other than serious injury or death to an animal is punishable as a serious misdemeanor.
 - Abandonment that causes serious injury or death to an animal is punishable as an aggravated misdemeanor.

The Bill allows the court to order a person who commits animal mistreatment to undergo a psychological or psychiatric evaluation, specifies the conditions under which an evaluation is required, and requires the convicted person to pay the costs of the evaluation.

Background

Current law states the following:

- A conviction of animal abuse is an aggravated misdemeanor.
- A conviction of animal neglect is a simple misdemeanor, but neglect that causes serious injury or death to the animal is a serious misdemeanor.
- A conviction of animal torture in the first offense is an aggravated misdemeanor, and a second or subsequent conviction is a Class D felony.
- A conviction for abandonment of a cat or dog is a simple misdemeanor.
- A conviction for knowingly and willfully tormenting, striking, drugging, or otherwise interfering with a police service dog without inflicting serious injury is a serious misdemeanor.
- A conviction for knowingly and willfully torturing, injuring, or poisoning a police service dog, including causing the death of the animal, is a Class D felony.

Assumptions

House File 737 as amended expands the definition of animal crimes related to the mistreatment of animals and will result in an estimated increase of 17 convictions per year. Other assumptions include:

- Charge, conviction, and sentencing patterns and trends will not change over the projection period.
- Prisoner length of stay, revocation rates, plea bargaining, and other criminal justice policies and practices will not change over the projection period.
- The law will become effective July 1, 2020. A lag effect of six months is assumed from the law’s effective date to the date of first entry of affected offenders into the correctional system.

- The analysis assumes that approximately 50.0% of dismissed charges for crimes against animals will become convictions under this Bill, as this Bill expands the definition of animal abuse.

Correctional Impact

This correctional impact is based on the 105 convictions under Iowa Code chapter 717B in FY 2018. It is estimated there will be 17 additional convictions annually in FY 2020 and subsequent years. The estimate includes 17 prison orders, 28 probation orders, 3 residential orders, and 20 jail orders. It is uncertain whether an individual who is convicted of a Class D felony under this Bill will be incarcerated or placed under Community-Based Corrections (CBC) supervision. The correctional impact could not be estimated for the new offenses for removing, damaging, or destroying a rabies vaccination tag or an electronic handling device. It is not possible to estimate how many convictions might occur for a new offense.

Table 1 below shows estimates for sentencing to State prison, probation, or CBC residential facilities; length of stay (LOS) under those supervisions; and supervision marginal costs per day for all convictions of serious misdemeanors, aggravated misdemeanors, and Class D felonies in crimes involving persons. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 16, 2020, for information related to the correctional system.

Table 1 — Sentencing Estimates and LOS

Conviction Offense Class	Percent to Prison	FY 19 Avg Length of Stay Prison (months)	FY 19 Marginal Cost/Day Prison	FY 19 Avg Length of Stay Parole (months)	FY 19 Marginal Cost/Day Parole	Percent to Probation	FY 19 Avg Length of Stay Probation (months)	FY 19 Avg Cost/Day Probation	Percent to CBC Residential Facility	FY 19 CBC Marginal Cost/Day	Percent to County Jail	Avg Length of Stay in County Jail	Marginal Cost/Day
Class D Felony Persons	77.0%	17.3	\$20.38	10.3	\$6.12	53.0%	30.5	\$6.12	11.0%	\$12.58	35.0%	N/A	\$50.00
Aggravated Misdemeanor Persons	43.0%	8.1	\$20.38	5.4	\$6.12	70.0%	20.3	\$6.12	5.0%	\$12.58	53.0%	N/A	\$50.00
Serious Misdemeanors Persons	78.0%	9.3	\$20.38	2.4	\$6.12	56.0%	13.4	\$6.12	1.0%	\$12.58	69.0%	N/A	\$50.00

Minority Impact

House File 737 as amended has a minority impact as 67.0% of the persons convicted of animal mistreatment in 2018 were Caucasian, 13.0% were African American, 3.0% were of other ethnicity, and 17.0% were of unknown ethnicity. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 15, 2020, for information related to minorities in the criminal justice system.

Fiscal Impact

House File 737 as amended is estimated to increase costs to the justice system between \$201,000 and \$379,000 across multiple fiscal years. The cost by offense is summarized in **Table 2**.

Table 2 — Fiscal Estimate to the State Justice System

Offense	Change in Estimated Convictions	Cost per Conviction		Cost Increase	
		Minimum	Maximum	Minimum	Maximum
Simple Misdemeanor	-35	\$ 40	\$ 350	\$ -1,400	\$ -12,250
Serious Misdemeanor	23	410	4,900	9,430	112,700
Aggravated Misdemeanor	22	5,600	8,000	123,200	176,000
Class D Felony	7	10,000	14,700	70,000	102,900
Total	17	\$ 16,050	\$ 27,950	\$ 201,230	\$ 379,350

Simple Misdemeanor

In FY 2018, there were 68 simple misdemeanor convictions related to animal mistreatment: 61 for animal neglect and 7 for animal abandonment. The fiscal estimate for this Bill assumes 33 such simple misdemeanor convictions, a net reduction of 35 convictions. The fiscal impact for simple misdemeanors is summarized in **Table 2**.

Serious Misdemeanor

In FY 2018, there were 21 serious misdemeanor convictions for animal neglect that caused serious injury or death to an animal. The fiscal estimate for this Bill assumes 44 such serious misdemeanor convictions, an increase of 23 convictions. The fiscal impact for serious misdemeanors is summarized in **Table 2**.

Aggravated Misdemeanor

In FY 2018, there were 16 aggravated misdemeanor convictions related to animal mistreatment: 12 for animal abuse and 4 for animal torture. The fiscal estimate for this Bill assumes 38 such aggravated misdemeanor convictions, an increase of 22 convictions. The fiscal impact for aggravated misdemeanors is summarized in **Table 2**.

Class D Felony

In FY 2018, there were no Class D felony convictions related to animal mistreatment. It is anticipated that under this Bill there will be 7 such Class D felony convictions. The fiscal impact for a Class D felony is summarized in **Table 2**.

Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division
 Department of Agriculture and Land Stewardship
 LSA calculations and analysis

Doc ID 11322729

/s/ Holly M. Lyons

March 10, 2020

The fiscal note for this Bill was prepared pursuant to **Joint Rule 17** and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.



[HF 2539](#) – Deaf Children, Language and Literacy Development (LSB6308HV.1)
Staff Contact: Lora Vargason (515.725.2249) lora.vargason@legis.iowa.gov
Fiscal Note Version – As amended and passed by the House

Description

[House File 2539](#), as amended, directs the Department of Education (DE) to appoint an Early Language Development Consultant and assign duties to the Consultant including the development and dissemination of resources to parents and educators. The Bill establishes a language assessment program with the purposes of assessing, monitoring, and tracking the language development milestones of children who are deaf or hard of hearing and then, if needed, modifying learning plans to achieve English literacy proficiency. The DE is directed to establish an advisory committee, and membership is detailed in the Bill. The DE is required to publish an annual report regarding language and literacy development for deaf and hard of hearing children from birth to eight years of age.

Background

Deaf or hard of hearing children and students are covered under the federal Individuals with Disabilities Education [Act](#) (IDEA), which defines and regulates special education. Iowa's area education agencies (AEAs) are responsible for administration of the [Early ACCESS](#) program, which provides services for infants and toddlers covered under IDEA Part C. Early ACCESS provides early intervention services for children ages birth through two who have a health or physical condition that may affect their growth and development or have developmental delays. The services to be provided to a child covered under IDEA Part C are detailed in an Individualized Family Service Plan (IFSP), and the plan is reviewed every six months to determine whether updates are needed. Under IDEA Part B, public schools are required to provide special education to students ages 3 to 21 who meet specified criteria. Individualized Education Programs (IEPs) detail how the school will support students needing special education.

In Iowa, deaf or hard of hearing students have options for what setting would best serve their educational needs. The Iowa School for the Deaf (ISD) operates under the Board of Regents to provide educational services to deaf or hard of hearing students from preschool through age 21. The school is located in Council Bluffs. The ISD provides on-site direct instruction to students and has maintained a steady enrollment of about 110 students on campus. The ISD also offers online sign language development courses for students, parents, and school staff. The AEAs provide educational support for deaf and hard-of-hearing students attending other schools across the State.

The DE issued a [report](#) in January 2018 to provide information regarding students who were deaf or hard of hearing in Iowa for the 2016-2017 school year. The report identified 2,775 Iowa residents ranging from ages birth to 21 who were deaf or hard of hearing. The report details student demographics, school district assessment data, and proficiency levels for deaf and hard of hearing students.

Language Equality and Acquisition for Deaf Kids (LEAD-K) is a nationwide initiative to raise awareness of deaf or hard of hearing children's experiences in language learning and to work

towards school readiness and sufficient language skills by promoting state legislation that allows deaf children to have access to both American Sign Language and English. This Bill is similar to versions of proposed LEAD-K legislation that have passed in California, Hawaii, Kansas, Oregon, South Dakota, Georgia, and Louisiana.

Assumptions

- The guidance provided in the Bill will not hinder established protocols for IFSPs and IEPs that are required under IDEA.
- The Bill will only apply to infants, toddlers, and students who are IDEA-eligible. It is estimated that half of the children or students identified with hearing loss have established IFSPs or IEPs.
- The DE’s estimates for the parent and educator resources are based on past experiences of developing similar materials.
- The DE would need 0.5 additional full-time equivalent (FTE) position to meet the required duties of the Bill for the Early Language Development Consultant.
- Advisory Committee meeting costs will not include expense reimbursement for members but will include costs for interpreters and closed captioners.
- Currently, there are not existing standardized norms for potential tools and assessments that would be used to establish developmental milestones as required by this Bill. The DE will be responsible for contracting with existing assessment vendors to establish standardized norms.

Fiscal Impact

[House File 2539](#) as amended is estimated to increase DE costs by \$879,000 in FY 2021, as detailed in the table below.

Estimated Impact of HF 2539	
	FY 2021
DE Early Language Consultant Position (0.5 FTE)	\$ 54,000
Development of Standardized Norms	500,000
DE Reporting Database	100,000
Task Force Meeting Costs	25,000
Development of Parent Resources	75,000
Development of Educator Resources	75,000
Dissemination of Parent Resources	25,000
Dissemination of Educator Resources	25,000
Grand Total	\$ 879,000

The Department also estimates an additional minimum cost of \$40,000 for the assessment program, which would be administered through the AEAs, school districts, and the Iowa School for the Deaf.

Source

Department of Education

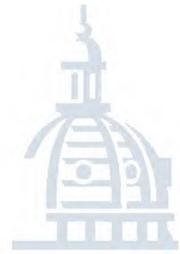
/s/ Holly M. Lyons

March 10, 2020

Doc ID 1132673673

The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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[HF 2549](#) – Special Investigations Fund, Department of Public Safety (LSB5964HV)
Staff Contact: Christin Mechler (515.250.0458) christin.mechler@legis.iowa.gov
Fiscal Note Version – New

Description

[House File 2549](#) allows peace officers employed within the Department of Public Safety (DPS) who are currently not covered under a collective bargaining agreement to have the option to participate in the group health insurance plan for peace officers that is negotiated between the State and the State Police Officers Council Labor Union (SPOC). The Bill requires the DPS to calculate the cost savings to the Department for allowing peace officers to participate in the group health insurance plan negotiated by the State and the SPOC.

Additionally, the Bill establishes a Special Investigations Fund and directs the DPS to transfer into the Fund from moneys appropriated to the Department an amount equal to the calculated cost savings. Moneys in the Fund are to be appropriated to the DPS for the purpose of paying Department personnel to investigate unsolved homicides and sexual assaults.

Background

Under current law, certain peace officers are prohibited from participating in the health insurance plan that is negotiated between the State and the SPOC. These peace officers, who are primarily classified as supervisors, are allowed to participate in a nonnegotiated health care plan offered through the State.

Assumptions

- In April of each year, the Department of Management (DOM) runs a current salary projection for the upcoming year that is entered into the 1/3 budget system and used by departments as part of their spending plan when entering budgets for the upcoming fiscal year. This projection is a snapshot in time that considers any step increases, across-the-board cost of living adjustments, and any changes to health or dental insurance costs for the upcoming budget year.
- For the purpose of providing a cost estimate, it is assumed that 100.0% of eligible current peace officer supervisors will choose to exercise the option to participate in the group health insurance plan negotiated by the State and the SPOC.
- The number of participants, number of covered individuals, plan, and coverage are assumed to stay constant in future years.
- The State share of health care insurance premiums is assumed to remain constant in future years.
- According to the Department of Administrative Services, State health care premiums are assumed to increase 6.5% annually.
- Premiums for health insurance policies currently afforded to peace officer supervisors are higher than those afforded to employees covered by SPOC health insurance.
- The DPS will recalculate potential savings resulting from allowing peace officers who are currently not covered under a collective bargaining agreement to exercise the option to participate in a group health insurance plan as negotiated by the State and SPOC on an

annual basis. Potential savings resulting from lower health insurance cost will be transferred in to the Special Investigations Fund from moneys appropriated to the Department.

Fiscal Impact

House File 2549 is estimated to lower the Department of Public Safety's annual costs for health insurance benefits by \$426,000 in FY 2021. For FY 2021, the calculated savings of \$426,000 will be transferred to the new Special Investigations Fund. For subsequent fiscal years, the Department may see potential annual savings that will be transferred in to the Special Investigations Fund from moneys appropriated to the Department but an exact amount cannot be determined at this time.

Sources

Legislative Services Agency
Department of Public Safety
Department of Administrative Services

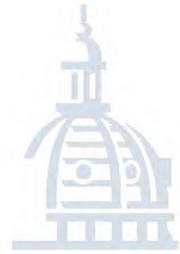
/s/ Holly M. Lyons

March 10, 2020

Doc ID 1131898

The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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[HF 2553](#) – National Drug Acquisition Cost (LSB5787HV)
Staff Contact: Christopher Ubben (515.725.0134) chris.ubben@legis.iowa.gov
Fiscal Note Version – New

Description

[House File 2553](#) places requirements on a Pharmacy Benefit Manager (PBM) regarding the policies and procedures of maximum allowable cost lists (MAC lists), and provides certain rights and permissions to contracted pharmacies when they operate with a PBM.

The Bill creates specific requirements that must be met before a PBM can place or continue to include a particular drug on the MAC list, including that the listed drug on the MAC list must be available for purchase by each pharmacy in this State from a national or regional wholesaler licensed in this State. The PBM must allow a pharmacy access to the MAC list, and must update the MAC list within seven calendar days of the date of an increase in acquisition costs, a change in MAC methodology, or a change in the value of any variable used in the methodology on which the MAC is based.

The Bill also provides that a PBM cannot reimburse a pharmacy for an amount less than the amount that the PBM reimburses an affiliate for the same drug. A PBM is also prohibited from reducing the payment amount on a claim after the date of receiving a clean claim for payment from a contracted pharmacy. The Bill prohibits a PBM from terminating a contracted pharmacy for providing direct delivery or delivery by mail of drugs to covered persons. Under the provisions of this Bill, PBMs are also prohibited from a practice called “spread pricing” wherein a PBM charges a health benefit plan a contracted price for a drug and the price differs from the amount the PBM directly or indirectly pays a pharmacy for that same drug.

The Bill permits a pharmacy to decline to provide services to a PBM or a covered person if the cost allowed on the MAC list results in the pharmacy being paid less than the pharmacy’s acquisition cost for the drug.

The obligation and authority of enforcing the provisions contained in this Bill is given to the Commissioner of Insurance with procedures set forth in Iowa Code chapters [507](#) and [510](#).

Background

A PBM is a health care entity that contracts with insurers, employers, unions, and government programs to administer the prescription drug portion of the health care benefit.

A MAC list is a list of drugs or methodologies used by a PBM setting the maximum allowable payment to a pharmacy for a prescription drug.

In 2019, [SF 563](#) was enacted which created Iowa Code chapter [510C](#), which requires pharmacy benefit managers to annually report to the Commissioner of Insurance information about rebates and fees received, with the Commissioner posting nonconfidential information received to a publicly accessible website.

Assumptions

Iowa Employee Group Health Insurance Plan

Wellmark Blue Cross and Blue Shield of Iowa (Wellmark) asserts that according to published industry studies, the use of PBMs result in savings of 10.0% to 20.0% in pharmaceutical costs to health benefits plans. Wellmark further estimates that the provisions of this Bill would reduce the effectiveness of PBMs by 1.0% to 2.0%.

Enforcement

The Iowa Insurance Division (IID) estimates that it would need to hire a compliance officer and two insurance company examiner specialists to perform its increased obligations as detailed in the Bill. The IID assumes that the appropriation for additional staff would come from the Commerce Revolving Fund.

Fiscal Impact

Iowa Employee Group Health Insurance Plan

The current pharmaceutical cost of the State of Iowa plans is approximately \$80.0 million. Based on the 1.0% to 2.0% estimated reduction in savings assumed by Wellmark, this legislation could result in an increase in the State's pharmaceutical costs of approximately \$800,000 to \$1.6 million per year.

Enforcement

The estimated annual costs IID would incur are \$110,000 for the compliance officer and \$240,000 for the two insurance company examiner specialists. The total costs incurred by the IID for the three new FTEs would be approximately \$350,000 per year from the Commerce Revolving Fund.

Sources

Department of Administrative Services
Wellmark Blue Cross and Blue Shield of Iowa

/s/ Holly M. Lyons

March 10, 2020

Doc ID 1132860

The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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