

**EIGHTY-SIXTH GENERAL ASSEMBLY  
2015 REGULAR SESSION  
DAILY  
HOUSE CLIP SHEET**

APRIL 2, 2015

**HOUSE FILE 454**

**H-1171**

1 Amend House File 454 as follows:

2 1. By striking page 1, line 35, through page 2,  
3 line 4, and inserting <and accessible by the general  
4 public. "Intermediary" also means an entity registered  
5 with the administrator as an Iowa crowdfunding portal.>

6 2. Page 2, after line 9 by inserting:

7 <(3) "Iowa crowdfunding portal" means an entity  
8 incorporated or organized under the laws of this state,  
9 authorized to do business in this state, and engaged  
10 exclusively in intrastate crowdfunding offers and  
11 sales of exempt securities in this state through an  
12 internet site and which does not operate or facilitate  
13 a secondary market in securities.>

14 3. Page 15, by striking lines 4 through 19.

15 4. Page 19, line 17, by striking <may> and  
16 inserting <shall>

17 5. By renumbering as necessary.

**By** PETTENGILL of Benton

**H-1171** FILED APRIL 1, 2015

SENATE FILE 410

H-1169

1 Amend [Senate File 410](#), as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 7, after line 2 by inserting:

4 <Sec. \_\_\_\_\_. NEW SECTION. 514C.30 Opioid analgesic  
5 drug products -- coverage.

6 1. Definitions. For purposes of this section,  
7 unless the context otherwise requires:

8 a. "Abuse-deterrent opioid analgesic drug product"  
9 means a brand-name or generic opioid analgesic drug  
10 product approved by the United States food and drug  
11 administration with abuse-deterrence labeling claims  
12 that indicate the product is expected to result in a  
13 meaningful reduction in abuse of opioids.

14 b. "Carrier" means an entity that provides health  
15 benefit plans in this state.

16 c. "Health benefit plan" means a policy,  
17 certificate, or contract providing hospital or medical  
18 coverage, benefits, or services rendered by a health  
19 care provider.

20 d. "Opioid analgesic drug product" means a drug  
21 product in the opioid analgesic drug class prescribed  
22 to treat moderate to severe pain or other conditions  
23 and includes immediate release, extended release, and  
24 long-acting forms, whether or not combined with other  
25 drug substances to form a single drug product or dosage  
26 form.

27 2. Coverage required.

28 a. Notwithstanding the uniformity of treatment  
29 requirements of section 514C.6, a contract, policy, or  
30 plan providing for third-party payment or prepayment  
31 of health or medical expenses that provides coverage  
32 benefits for opioid analgesic drug products shall  
33 provide coverage for all abuse-deterrent opioid  
34 analgesic drug products as a preferred drug on the  
35 carrier's drug formulary or preferred drug list.

36 b. Cost-sharing requirements for abuse-deterrent  
37 opioid analgesic drug products shall not exceed the  
38 lowest cost-sharing requirements applied to other  
39 covered prescription drugs on the carrier's drug  
40 formulary or preferred drug list.

41 3. Prior authorization.

42 a. A prior authorization or utilization review  
43 requirement shall not require prior use of an opioid  
44 analgesic drug product other than an abuse-deterrent  
45 opioid analgesic drug product as a prerequisite for  
46 access to an abuse-deterrent opioid analgesic drug  
47 product.

48 b. This subsection shall not be construed to  
49 prevent a carrier from requiring prior authorization  
50 for an abuse-deterrent opioid analgesic drug product,

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1 provided that the same prior authorization requirements  
2 are applied to all versions of the same opioid  
3 analgesic drug products that are not abuse-deterrent  
4 opioid analgesic drug products.

5 4. Applicability.

6 a. This section applies to the following classes  
7 of third-party payment provider contracts or policies  
8 delivered, issued for delivery, continued, or renewed  
9 in this state on or after July 1, 2015:

10 (1) Individual or group accident and sickness  
11 insurance providing coverage on an expense-incurred  
12 basis.

13 (2) An individual or group hospital or medical  
14 service contract issued pursuant to chapter 509, 514,  
15 or 514A.

16 (3) An individual or group health maintenance  
17 organization contract regulated under chapter 514B.

18 (4) Any other entity engaged in the business of  
19 insurance, risk transfer, or risk retention, which is  
20 subject to the jurisdiction of the commissioner.

21 (5) A plan established pursuant to chapter 509A for  
22 public employees.

23 (6) An organized delivery system licensed by the  
24 director of public health.

25 b. This section shall not apply to accident-only,  
26 specified disease, short-term hospital or medical,  
27 hospital confinement indemnity, credit, dental, vision,  
28 Medicare supplement, long-term care, basic hospital  
29 and medical-surgical expense coverage as defined  
30 by the commissioner, disability income insurance  
31 coverage, coverage issued as a supplement to liability  
32 insurance, workers' compensation or similar insurance,  
33 or automobile medical payment insurance.>

34 2. Title page, by striking lines 2 and 3 and  
35 inserting <limiting criminal and civil liability,  
36 modifying penalties, and providing an applicability  
37 date.>

38 3. By renumbering as necessary.

COMMITTEE ON PUBLIC SAFETY

BAUDLER of Adair, Chairperson

SENATE FILE 345

H-1170

1 Amend Senate File 345, as amended, passed, and  
2 reprinted by the Senate, as follows:

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

4 <Section 1. LEGISLATIVE FINDINGS AND  
5 DECLARATION. The general assembly finds and declares  
6 all of the following:

7 1. Article IX, 2nd, section 3, of the Constitution  
8 of the State of Iowa states, in part, that the general  
9 assembly shall encourage, by all suitable means, the  
10 promotion of intellectual, scientific, moral, and  
11 agricultural improvement.

12 2. The leading moral precept for a civil society  
13 has been expressed by various philosophies and  
14 religions for millennia and is often called the golden  
15 rule, as set forth in paragraphs "a" through "g".

16 a. Confucianism, circa 557 BC, Analects 15:23:  
17 What you do not want done to yourself, do not do to  
18 others.

19 b. Buddhism, circa 560 BC, Udanavarga 5:18:  
20 Hurt not others with that which pains yourself.

21 c. Judaism, circa 1300 BC, the Torah, Leviticus  
22 19:18:

23 Thou shalt Love thy neighbor as thyself.

24 d. Hinduism, circa 3200 BC, Hitopadesa:  
25 One should always treat others as they themselves  
26 wish to be treated.

27 e. Zoroastrianism, circa 600 BC, Shast-na-shayast  
28 13:29:

29 Whatever is disagreeable to yourself, do not do unto  
30 others.

31 f. Christianity, circa 30 AD, the King James Bible,  
32 Matthew 7:12:

33 Whatsoever ye would that others should do to you, do  
34 ye even so to them.

35 g. Islam, circa 570-632 AD, the Prophet Muhammad,  
36 pbuh, Sahih Muslim:

37 None of you have faith until you love for your  
38 neighbor what you love for yourself.

39 3. The golden rule, with roots in a wide range  
40 of world cultures, is well suited to be a standard  
41 that different cultures can ascribe to in resolving  
42 conflicts, and the board of directors of each public  
43 school district shall require the display of the golden  
44 rule in all public school classrooms.>

**By** SHEETS of Appanoose

H-1170 FILED APRIL 1, 2015

SENATE FILE 401

H-1172

1 Amend Senate File 401, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 1 through 14 and  
4 inserting:

5 <Section 1. Section 135G.6, subsection 2, Code  
6 2015, is amended to read as follows:

7 2. a. The department of human services has  
8 submitted written approval of the application based  
9 upon the process used by the department of human  
10 services to identify the best qualified providers.  
11 The process implemented by the department of human  
12 services shall utilize a request for proposals process  
13 to identify the best qualified providers, limit the  
14 number of subacute care facility beds, and ensure  
15 the geographic dispersion of subacute mental health  
16 services.

17 b. The department of human services shall not give  
18 approval to an application which would cause the number  
19 of publicly funded subacute care facility beds licensed  
20 under this chapter to exceed fifty seventy-five beds.

21 ~~e. b.~~ The subacute care facility beds identified  
22 by the request for proposals process initiated on or  
23 after the effective date of this Act shall be existing  
24 beds which have been awarded a certificate of need  
25 pursuant to chapter 135 new beds located in hospitals  
26 and facilities licensed as a subacute care facility  
27 under this chapter. Such beds shall not be required  
28 to obtain an additional certificate of need upon  
29 conversion to licensed subacute care facility beds.>

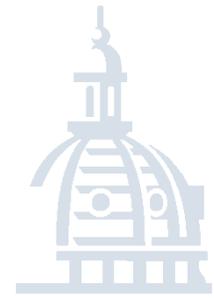
30 2. Page 1, after line 35 by inserting:

31 <Sec. \_\_\_\_ . DEPARTMENT OF HUMAN SERVICES ----  
32 RULES. The department of human services shall adopt  
33 rules pursuant to chapter 17A to administer the section  
34 of this Act amending section 135G.6.>

35 3. By renumbering as necessary.

**By** FORRISTALL of Pottawattamie

H-1172 FILED APRIL 1, 2015



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**SF 431** – Fine Arts Curriculum and Learning Skills (LSB2387SV.1)  
Analyst: Tim Crellin (Phone: (515) 725-1286) ([timothy.crellin@legis.iowa.gov](mailto:timothy.crellin@legis.iowa.gov))  
Fiscal Note Version – As Amended and passed by the Senate

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**Description**

**Senate File 431**, as amended and passed by the Senate, modifies the statute that requires the State Board of Education to address in administrative rules core content standards for the core curriculum and the skills and knowledge students needed to be successful in the 21st century. The Bill adds music, visual arts, drama and theater, and other fine and applied arts to the 21st century learning skills. The Bill requires the Department of Education to employ a consultant to oversee the development of and compliance with the fine arts core curriculum and to provide guidance for professional development programs, strategies, and materials. The Bill may contain a state mandate as defined in Iowa Code section **25B.3**.

The Bill does not conflict with the educational standards established in Iowa Code sections **256.11(3)**, **256.11(4)** and **256.11(5)(i)** regarding course offerings or the content of fine arts, referred to colloquially as “offer and teach.” The Bill specifies that the determination and offering of assessments of fine arts content is not mandated and will be determined locally, but the Department of Education may provide model assessments aligned with the fine arts content standards.

**Assumptions**

- The Department will add 1.0 FTE position at a cost of \$115,000 annually (salary and benefits) to fulfill the requirement to add a consultant position.
- The Bill may result in one-time additional costs to school districts, but the extent of those costs cannot be determined.

**Fiscal Impact**

The estimated cost to the Department of Education for the required employment of a consultant is \$115,000 annually. The estimated cost to local school districts is unknown and will be determined on a district-by-district basis.

**Source**

Department of Education  
LSA Analysis

/s/ Holly M. Lyons

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March 31, 2015

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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 614** – Fireworks (LSB1950HV)

Analyst: Alice Fulk Wisner (Phone: (515) 281-6764) ([alice.wisner@legis.iowa.gov](mailto:alice.wisner@legis.iowa.gov))

Fiscal Note Version – New

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**Description**

**House File 614** legalizes the sale and use of consumer fireworks and novelties in the State of Iowa.

**Background**

The State Fire Marshal Division of the Department of Public Safety (DPS) is directed to:

- Establish a consumer fireworks seller license, including a fee schedule.
- Adopt rules to enact various parts of the Bill.
- Establish a local fire protection and emergency medical service providers grant program to establish or provide fireworks safety education programming to members of the public.
- Enforce all laws and rules relating to this legislation.

Revenue from seller license fees is to be deposited in the Consumer Fireworks Seller License Fee Fund under the control of the State Fire Marshal for the administration and enforcement of consumer fireworks and novelties sales.

The Bill also establishes simple misdemeanors for violation of various requirements, with a fine of at least \$250 but no more than \$625. Simple misdemeanors also generate a 35.0% criminal penalty surcharge and \$60 in court costs.

- Simple misdemeanor fines are deposited in the General Fund.
- Criminal penalty surcharges are distributed:
  - 5.0% goes to the local government where the ticket was written.
  - 95.0% goes to the State. Of that 95.0%, 17% goes to the Victim Compensation Fund and 83.0% goes to the General Fund.
- Court costs are deposited in the General Fund.

There are no estimates available on how many simple misdemeanor tickets will be written for violations of this Bill.

**Assumptions**

**Expenditures.** The DPS estimates 2.0 FTE positions will be needed to implement **HF 614**. Salaries and support are estimated to be \$162,000 for FY 2016 and \$133,000 for FY 2017 and subsequent years. Support costs include two computers, a vehicle, fuel, a gun, travel, and miscellaneous.

**Revenue.** The estimate of sales tax revenue uses the following assumptions:

- Taxable sales of consumer fireworks for the states of Indiana and Maine in 2014 were adjusted to allow a per-capita sale of fireworks in Iowa estimate. This resulted in an average fireworks sales revenue estimate of \$17.1 million for Iowa.
- Growth in sales tax revenues as estimated by the Revenue Estimating Conference was used to estimate future growth in fireworks sales.
- The sales tax rate is 6.0%, and the effective local option sales tax (LOST) rate is 0.87%.

**Fiscal Impact**

**Expenditures.** To fully fund the \$162,000 of estimated costs for the State Fire Marshal Division to administer the Bill, it will require sale and collection of approximately 406 retail licenses (at \$400 each), 812 retail licenses (at \$200 each), or a combination of the two. For comparison purposes, Missouri has 1,200 seasonal retailers, 75 wholesale/retail distributors, 50 special fireworks distributors, and 10 wholesalers. Oklahoma has 14 distributors and 31 wholesalers. It is not known at this time how many retailers will apply for licenses during the first fiscal year. There is a concern that the license fee revenue may or may not cover the costs of implementing the Bill.

**Revenue.** Sales tax revenue deposits to the General Fund are estimated at \$1.1 million for FY 2016 and \$1.2 million for FY 2017. Local option sales tax revenue (LOST) is estimated to be \$162,000 in FY 2016 and \$167,000 in FY 2017.

<b>Fiscal Year</b>	<b>Estimated Total Sales</b>	<b>Estimated Sales Tax Revenue</b>	<b>Estimated LOST Revenues</b>
2016	\$18,595,000	\$1,116,000	\$162,000
2017	19,227,000	1,154,000	167,000
2018	19,938,000	1,196,000	173,000
2019	20,536,000	1,232,000	179,000
2020	21,152,000	1,269,000	184,000

**Correctional Impact.** Since this is a new program, the amount of misdemeanor fines that will be collected is unknown, and the correctional impact cannot be estimated.

**Sources**

Iowa Department of Revenue and Finance  
Iowa Department of Public Safety

/s/ Holly M. Lyons

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April 1, 2015

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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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