



OFFICE OF THE GOVERNOR

THOMAS J. VILSACK
GOVERNOR

SALLY J. PEDERSON
LT. GOVERNOR

May 12, 2005

The Honorable Chester Culver
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit:

House File 589, an Act relating to the property taxation of nursing facilities and including effective and applicability date provisions.

House File 610, an Act relating to the transmission of electronic mail including the transmission of unsolicited bulk electronic mail, and the sale or offer for direct sale of prescription drugs and the sale of adulterated or misbranded drugs through the use of electronic mail or the internet, and providing for penalties.

House File 753, an Act requiring certain safety-related information concerning a child to be provided to a parent, guardian, or foster parent or other custodian of a child.

House File 774, an Act relating to the petition and vote requirements for increasing or reducing board of supervisors membership in certain counties.

House File 786, an Act relating to the operating or providing of another business or activity in a health care facility.

House File 801, an Act providing a deduction in computing the individual income tax for certain unreimbursed expenses relating to a human organ transplant and including a retroactive applicability date.



House File 836, an Act relating to cemeteries and cemetery regulation, providing administration and enforcement procedures, establishing requirements for interment rights agreements and reporting, establishing and appropriating fees, and providing penalties.

House File 837, an Act relating to state government financial matters concerning charter agencies, the state appeal board, and reinvention initiatives of the department of management, and making appropriations.

House File 857, an Act relating to eligible housing businesses under the enterprise zone program.

House File 870, an Act relating to the applicability of motor vehicle financial responsibility provisions to special mobile equipment and providing an effective date.

The above House Files are hereby approved this date.

Sincerely,



Thomas J. Vilsack
Governor

TJV:jmc

cc: Secretary of the Senate
Chief Clerk of the House



HOUSE FILE 786

AN ACT

RELATING TO THE OPERATING OR PROVIDING OF ANOTHER BUSINESS OR
ACTIVITY IN A HEALTH CARE FACILITY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 135C.5, Code 2005, is amended to read
as follows:

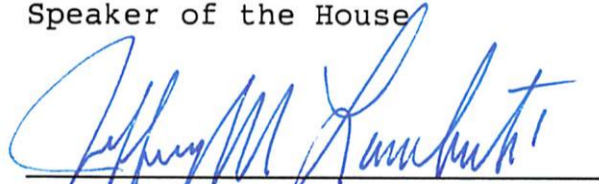
135C.5 LIMITATIONS ON USE.

Another business or activity serving persons other than the
residents of a health care facility shall not may be carried
on-in-a-health-care-facility, or in operated or provided in a
designated part of the same physical structure with-a of the
health care facility, unless-such-business-or-activity-is
under-the-control-of-and-is-directly-related-to-and-incidental
to-the-operation-of-the-health-care-facility-or-unless-the
business-or-activity-is-approved-by-the-department-and-the
state-fire-marshal if the other business or activity meets the
requirements of applicable state and federal laws,
administrative rules, and federal regulations. A The
department shall not limit the ability of a health care
facility to operate or provide another business or activity
which-is-operated-within-the-limitations-of-this-section-shall
in the designated part of the facility if the business or
activity does not interfere in-any-manner with the use of the
facility by the residents or with the services provided to the
residents, and shall is not be disturbing to them the
residents. In denying the ability of a health care facility
to operate or provide another business or activity under this
section, the burden of proof shall be on the department to
demonstrate that the other business or activity substantially

interferes with the use of the facility by the residents or the services provided to the residents, or is disturbing to the residents. The ~~department-and-the~~ state fire marshal, in accordance with chapter 17A, shall adopt rules which establish criteria for approval of a business or activity to be ~~carried on-in-a-health-care-facility-or~~ operated or provided in a designated part of the same physical structure with of a health care facility. For the purposes of this section, "another business or activity" shall not include laboratory services with the exception of laboratory services for which a waiver from regulatory oversight has been obtained under the federal Clinical Laboratory Improvement Amendments of 1988, Pub. L. No. 100-578, as amended, radiological services, anesthesiology services, obstetrical services, surgical services, or emergency room services provided by hospitals licensed under chapter 135B.



CHRISTOPHER C. RANTS
Speaker of the House



JEFFREY M. LAMBERTI
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 786, Eighty-first General Assembly.



MARGARET THOMSON
Chief Clerk of the House

Approved May 12, 2005



THOMAS J. VILSACK
Governor