

Senate File 2200 - Enrolled

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AN ACT

REGULATING VETERANS' BENEFIT SERVICES AND RELATED EVENTS,
BY REQUIRING CERTAIN DISCLOSURES AND MAKING PENALTIES
APPLICABLE.

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

Section 1. Section 35A.5, subsection 18, Code 2018, is amended by striking the subsection.

Sec. 2. NEW SECTION. 546B.1 Definitions.

When used in this chapter, unless the context otherwise requires:

1. "*Compensation*" means money, property, or anything else of value, which includes but is not limited to exclusive arrangements or agreements for the provision of services or the purchase of products.

2. "*Person*" includes, where applicable, natural persons, corporations, trusts, unincorporated associations, and partnerships.

3. *“Trade or commerce”* includes the marketing or sale of assets, goods, or services, or any commerce directly or indirectly affecting the people of this state.

4. *“Veteran”* means as defined in section 35.1.

5. *“Veterans’ benefit matter”* means any preparation, presentation, or prosecution of a claim affecting a person who has filed or has expressed an intention to file an application for determination of payment, service, commodity, function, or status, entitlement to which is determined under laws administered by the United States department of veterans affairs or the Iowa department of veterans affairs pertaining to veterans and their dependents or survivors.

Sec. 3. NEW SECTION. **546B.2 Advertising or promotion disclosures.**

1. A person who advertises or promotes any event, presentation, seminar, workshop, or other public gathering regarding veterans’ benefits or entitlements shall include a disclosure as provided in this section and must disseminate the disclosure, both orally and in writing, at the beginning of the event, presentation, seminar, workshop, or other public gathering. The written disclosure must be in the same type size and font as the term “veteran” or any variation of that term as used in the advertisement or promotional materials for the event, presentation, seminar, workshop, or public gathering.

2. The disclosure required by this section shall be in the following form:

This event is not sponsored by, or affiliated with, the United States Department of Veterans Affairs, the Iowa Department of Veterans Affairs, or any other congressionally chartered or recognized organization of honorably discharged members of the Armed Forces of the United States or any of their auxiliaries. Products or services that may be discussed at this event are not necessarily endorsed by those organizations. You may qualify for benefits other than or in addition to the benefits discussed at this event.

3. The requirement to provide a disclosure as provided in this section shall not apply under any of the following circumstances:

a. The United States department of veterans affairs, the Iowa department of veterans affairs, or any other congressionally chartered or recognized organization of honorably discharged members of the armed forces of the United States or any of their auxiliaries have granted written permission to the person for the use of its name, symbol, or insignia to advertise or promote any event, presentation, seminar, workshop, or other public gathering regarding veterans' benefits or entitlements.

b. The event, presentation, seminar, workshop, or public gathering is part of an accredited continuing legal education course.

Sec. 4. NEW SECTION. 546B.3 Prohibited acts or practices.

A person who commits any of the following acts or practices commits a violation of this chapter:

1. Receives compensation for advising or assisting another person with a veterans' benefit matter, except as permitted under Title 38 of the United States Code.

2. Uses financial or other personal information gathered in order to prepare documents for, or otherwise represent the interests of, another in a veterans' benefit matter for purposes of trade or commerce, except as permitted under Title 38 of the United States Code.

3. Receives compensation for referring another person to a person accredited by the United States department of veterans affairs.

4. Represents, either directly or by implication, and either orally or in writing, that the receipt of a certain level of veterans' benefits is guaranteed.

5. Fails to provide a disclosure required to be provided pursuant to section 546B.2.

Sec. 5. NEW SECTION. 546B.4 Inapplicability of chapter.

This chapter does not apply to officers, employees, or volunteers of the state, or of any county, city, or other political subdivision, or of a federal agency of the United States, who are acting in their official capacity.

Sec. 6. NEW SECTION. 546B.5 Unfair practice — penalties.

A violation of this chapter is a violation of section 714.16, subsection 2, paragraph "a". Any civil penalty recovered for a

violation of this chapter shall be deposited in the veterans trust fund created in section 35A.13.

Sec. 7. REPEAL. Chapter 546B, Code 2018, is repealed.

CHARLES SCHNEIDER
President of the Senate

LINDA UPMAYER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2200, Eighty-seventh General Assembly.

W. CHARLES SMITHSON
Secretary of the Senate

Approved _____, 2018

KIM REYNOLDS
Governor