

Finance: Connolly, Chair; Jochum and Krowson.

To Pass 4/14/83

Sen Appropriations 4/25/83 Do Pass 5/3 (p. 1517)

Sen FINANCE Do Pass 5/4/83 (p. 1526)

HOUSE FILE 617

BY COMMITTEE ON APPROPRIATIONS

(Formerly House File 271)

Passed House, Date 4-20-83 (p. 1457) Passed Senate, Date 5-9-83 (p. 1609)

Vote: Ayes 99 Nays 0 Vote: Ayes 42 Nays 4

Approved May 24, 1983

A BILL FOR

1 An Act relating to reporting and investigation of exposure
 2 to chemical defoliants, herbicides, or other causative
 3 agents, including but not limited to agent orange and
 4 making an appropriation.

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

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HF 617

1 Section 1. NEW SECTION. 139A.1 As used in this chapter
2 unless the context otherwise provides:

3 1. "Agent orange" means the herbicide composed primarily
4 of trichlorophenoxyacetic acid and dichlorophenoxyacetic acid.

5 2. "Veteran" means a person who was a resident of this
6 state at the time of the person's induction into the armed
7 forces of the United States or who is a resident of this state
8 July 1, 1983 and served in Vietnam, Cambodia, or Laos during
9 the Vietnam Conflict.

10 3. "Chemicals" means chemical defoliants, herbicides,
11 or other causative agents, including but not limited to agent
12 orange.

13 4. "Department" means the state department of health.

14 Sec. 2. NEW SECTION. 139A.2 CHEMICAL REPORT TO
15 DEPARTMENT. A licensed physician pursuant to section 135.1,
16 subsection 5, who treats a veteran the physician believes
17 may have been exposed to chemicals while serving in the armed
18 forces of the United States shall submit a report indicating
19 that information to the department at the request of the
20 veteran pursuant to section 139A.3.

21 Sec. 3. NEW SECTION. 139A.3 DUTIES OF THE DEPARTMENT.

22 The department shall:

23 1. Provide the forms for the reports required in section
24 139A.2. The report shall require the doctor to provide all
25 of the following:

26 a. Symptoms of the veteran which may be related to exposure
27 to chemicals.

28 b. Diagnosis of the veteran.

29 c. Methods of treatment prescribed.

30 2. Annually compile and evaluate the information submitted
31 in the reports pursuant to subsection 1, in consultation and
32 cooperation with a certified medical toxicologist selected
33 by the department. The department shall submit the report
34 to the governor, general assembly, United States veterans'
35 administration, and the state department of veterans affairs.

1 The report shall include current research data on the effects
2 of exposure to chemicals, statistical information received
3 from individual physicians' reports, and statistical
4 information from the epidemiological investigations pursuant
5 to subsection 3.

6 3. Conduct epidemiological investigations of veterans
7 who have cancer or other medical problems or who have children
8 born with birth defects associated with exposure to chemicals,
9 in consultation and cooperation with a certified medical
10 toxicologist selected by the department. The department shall
11 obtain consent from a veteran before conducting the
12 investigations.

13 The department shall cooperate with local and state agencies
14 during the course of an investigation.

15 Sec. 4. NEW SECTION. 139A.4 CONFIDENTIALITY--LIABILITY
16 PROVISIONS. The department shall not identify a veteran
17 consenting to the epidemiological investigations pursuant
18 to section 139A.3, subsection 3, unless the veteran consents
19 to the release of identity. The statistical information
20 compiled by the department pursuant to section 139A.3 is a
21 public record.

22 A licensed physician complying with this chapter is not
23 civilly or criminally liable for release of the required
24 information.

25 Sec. 5. NEW SECTION. 139A.5 ATTORNEY GENERAL POWERS.
26 The attorney general may represent veterans who may have been
27 injured because of contact with chemicals, in an action for
28 release of information relating to exposure to such causative
29 agents during military service and release of the veterans'
30 medical records.

31 Sec. 6. NEW SECTION. 139A.6 MEDICAL COOPERATIVE PROGRAM.
32 The department and appropriate medical facilities at the state
33 university of Iowa under the control of the state board of
34 regents shall institute a cooperative program to:

35 1. Refer veterans to appropriate state and federal agencies

1 to file claims to remedy medical and financial problems caused
2 by the veterans' exposure to chemicals.

3 2. Provide veterans with fat tissue biopsies, genetic
4 counseling, and genetic screening upon request of the licensed
5 physician pursuant to section 139A.2, to determine if the
6 veterans have suffered physical damage as a result of
7 substantial exposure to chemicals.

8 Sec. 7. NEW SECTION. 139A.7 FEDERAL PROGRAM. If the
9 commissioner of public health or the general assembly
10 determines that an agency of the federal government or the
11 state of Iowa is providing the referral and genetic services
12 pursuant to section 139A.6, the commissioner or the general
13 assembly by specific action may discontinue all or part of
14 the services or requirements provided in this chapter.

15 Sec. 8. NEW SECTION. 139A.8 RULES. The department shall
16 adopt rules pursuant to chapter 17A to implement this chapter.

17 Sec. 9. NEW SECTION. 139A.9 APPROPRIATIONS. This chapter
18 shall be implemented by the department each fiscal year that
19 appropriations are made to the department for implementation
20 of this chapter.

21 Sec. 10. There is appropriated from the general fund of
22 the state for the fiscal year beginning July 1, 1983 and
23 ending June 30, 1984, to the state department of health the
24 sum of forty thousand (40,000) dollars, or so much thereof
25 as is necessary, to be used for the implementation of chapter
26 139A.

27 EXPLANATION

28 This bill requires a licensed physician to report exposure
29 of certain veterans to chemical defoliants, herbicides, or
30 other causative agents, including but not limited to agent
31 orange. The department of health is required to compile the
32 information from the physicians, conduct epidemiological
33 investigations, and cooperate with the board of regents in
34 instituting a cooperative program for referral services and
35 genetic counseling for certain veterans.

1 The bill provides for immunity from liability for physicians
2 complying with the requirements of reporting. The bill permits
3 the attorney general to represent certain veterans to obtain
4 certain information and medical records regarding to time
5 spent in military service.

6 The bill permits the commissioner of public health or the
7 general assembly to discontinue to implement the chapter if
8 the federal government or the state of Iowa provides referral
9 and genetic counseling or if no appropriations are made for
10 the program.

11 The bill creates a new chapter 139A and refers to sections
12 in the new chapter.

13 The bill appropriates \$40,000 for the fiscal year beginning
14 July 1, 1983 to the department of health for the
15 investigations.

16 The bill takes effect July 1 following its enactment.

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HOUSE FILE 617

AN ACT

RELATING TO REPORTING AND INVESTIGATION OF EXPOSURE TO
CHEMICAL DEFOLIANTS, HERBICIDES, OR OTHER CAUSATIVE
AGENTS, INCLUDING BUT NOT LIMITED TO AGENT ORANGE AND
MAKING AN APPROPRIATION.

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

Section 1. NEW SECTION. 139A.1 As used in this chapter unless the context otherwise provides:

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2. "Veteran" means a person who was a resident of this state at the time of the person's induction into the armed forces of the United States or who is a resident of this state July 1, 1983 and served in Vietnam, Cambodia, or Laos during the Vietnam Conflict.
3. "Chemicals" means chemical defoliants, herbicides, or other causative agents, including but not limited to agent orange.
4. "Department" means the state department of health.

Sec. 2. NEW SECTION. 139A.2 CHEMICAL REPORT TO DEPARTMENT. A licensed physician pursuant to section 135.1, subsection 5, who treats a veteran the physician believes may have been exposed to chemicals while serving in the armed forces of the United States shall submit a report indicating that information to the department at the request of the veteran pursuant to section 139A.3.

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1. Provide the forms for the reports required in section 139A.2. The report shall require the doctor to provide all of the following:

- a. Symptoms of the veteran which may be related to exposure to chemicals.
- b. Diagnosis of the veteran.
- c. Methods of treatment prescribed.

2. Annually compile and evaluate the information submitted in the reports pursuant to subsection 1, in consultation and cooperation with a certified medical toxicologist selected by the department. The department shall submit the report to the governor, general assembly, United States veterans' administration, and the state department of veterans affairs. The report shall include current research data on the effects of exposure to chemicals, statistical information received from individual physicians' reports, and statistical information from the epidemiological investigations pursuant to subsection 3.

3. Conduct epidemiological investigations of veterans who have cancer or other medical problems or who have children born with birth defects associated with exposure to chemicals, in consultation and cooperation with a certified medical toxicologist selected by the department. The department shall obtain consent from a veteran before conducting the investigations.

The department shall cooperate with local and state agencies during the course of an investigation.

Sec. 4. NEW SECTION. 139A.4 CONFIDENTIALITY--LIABILITY PROVISIONS. The department shall not identify a veteran consenting to the epidemiological investigations pursuant to section 139A.3, subsection 3, unless the veteran consents to the release of identity. The statistical information compiled by the department pursuant to section 139A.3 is a public record.

A licensed physician complying with this chapter is not civilly or criminally liable for release of the required information.

Sec. 5. NEW SECTION. 139A.5 ATTORNEY GENERAL POWERS. The attorney general may represent veterans who may have been injured because of contact with chemicals, in an action for release of information relating to exposure to such causative agents during military service and release of the veterans' medical records.

Sec. 6. NEW SECTION. 139A.6 MEDICAL COOPERATIVE PROGRAM. The department and appropriate medical facilities at the state university of Iowa under the control of the state board of regents shall institute a cooperative program to:

1. Refer veterans to appropriate state and federal agencies to file claims to remedy medical and financial problems caused by the veterans' exposure to chemicals.
2. Provide veterans with fat tissue biopsies, genetic counseling, and genetic screening upon request of the licensed physician pursuant to section 139A.2, to determine if the veterans have suffered physical damage as a result of substantial exposure to chemicals.

Sec. 7. NEW SECTION. 139A.7 FEDERAL PROGRAM. If the commissioner of public health or the general assembly determines that an agency of the federal government or the state of Iowa is providing the referral and genetic services pursuant to section 139A.6, the commissioner or the general assembly by specific action may discontinue all or part of the services or requirements provided in this chapter.

Sec. 8. NEW SECTION. 139A.8 RULES. The department shall adopt rules pursuant to chapter 17A to implement this chapter.

Sec. 9. NEW SECTION. 139A.9 APPROPRIATIONS. This chapter shall be implemented by the department each fiscal year that appropriations are made to the department for implementation of this chapter.

Sec. 10. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1983 and ending June 30, 1984, to the state department of health the

sum of forty thousand (40,000) dollars, or so much thereof as is necessary, to be used for the implementation of chapter 139A.

DONALD D. AVENSON
Speaker of the House

ROBERT T. ANDERSON
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 617, Seventieth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved May 24, 1983

TERRY E. BRANSTAD
Governor