

**House Study Bill 138 - Introduced**

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED GOVERNOR BILL)

**A BILL FOR**

1 An Act relating to certain state regulations, including  
2 certificate of need requirements, the practice of certain  
3 professions, and the oversight of state preserves, and  
4 including effective date and transition provisions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

CERTIFICATE OF NEED REQUIREMENT — HOSPITALS

1  
2  
3 Section 1. Section 135.61, subsection 14, paragraph a, Code  
4 2017, is amended by striking the paragraph.

5 Sec. 2. Section 135.61, subsection 18, Code 2017, is amended  
6 by adding the following new paragraph:

7 NEW PARAGRAPH. *n.* The addition of swing-beds by a hospital  
8 resulting in a swing-bed capacity of twenty-five or more swing  
9 beds, or the addition of nursing facility beds or skilled  
10 nursing facility beds by a hospital.

11 Sec. 3. Section 135.61, Code 2017, is amended by adding the  
12 following new subsection:

13 NEW SUBSECTION. 21A. *“Proposed institutional health*  
14 *service” or “institutional health service proposed”* includes an  
15 institutional health service and the new institutional health  
16 service or changed institutional health service specified in  
17 subsection 18, paragraph *“n”*.

18 Sec. 4. Section 135.63, subsection 2, paragraph g,  
19 subparagraph (1), subparagraph division (a), Code 2017, is  
20 amended to read as follows:

21 (a) The institutional health facility reports to the  
22 department the number and type of beds reduced on a form  
23 prescribed by the department at least thirty days before the  
24 reduction. In the case of a health care facility, the new bed  
25 total must be consistent with the number of licensed beds at  
26 the facility. ~~In the case of a hospital, the number of beds~~  
27 ~~must be consistent with bed totals reported to the department~~  
28 ~~of inspections and appeals for purposes of licensure and~~  
29 ~~certification.~~

30 Sec. 5. Section 135.63, subsection 2, paragraphs k and n,  
31 Code 2017, are amended by striking the paragraphs.

32 Sec. 6. Section 135.63, subsection 2, paragraphs l and m,  
33 Code 2017, are amended to read as follows:

34 1. The replacement or modernization of any institutional  
35 health facility if the replacement or modernization does

1 not add new health services or additional bed capacity for  
2 existing health services, notwithstanding any provision in this  
3 division to the contrary. With respect to a nursing facility,  
4 "*replacement*" means establishing a new facility within the same  
5 county as the prior facility to be closed. ~~With reference to~~  
6 ~~a hospital, "*replacement*" means establishing a new hospital~~  
7 ~~that demonstrates compliance with all of the following criteria~~  
8 ~~through evidence submitted to the department:~~

9 ~~(1) Is designated as a critical access hospital pursuant to~~  
10 ~~42 U.S.C. §1395i-4.~~

11 ~~(2) Serves at least seventy-five percent of the same service~~  
12 ~~area that was served by the prior hospital to be closed and~~  
13 ~~replaced by the new hospital.~~

14 ~~(3) Provides at least seventy-five percent of the same~~  
15 ~~services that were provided by the prior hospital to be closed~~  
16 ~~and replaced by the new hospital.~~

17 ~~(4) Is staffed by at least seventy-five percent of the~~  
18 ~~same staff, including medical staff, contracted staff, and~~  
19 ~~employees, as constituted the staff of the prior hospital to be~~  
20 ~~closed and replaced by the new hospital.~~

21 *m.* Hemodialysis services provided by a ~~hospital or~~  
22 freestanding facility, notwithstanding any provision in this  
23 division to the contrary.

24 Sec. 7. Section 135.63, subsection 2, Code 2017, is amended  
25 by adding the following new paragraph:

26 NEW PARAGRAPH. *q.* A facility that provides services to a  
27 person with a primary diagnosis of mental illness as defined  
28 in section 229.1.

29 Sec. 8. Section 135P.1, subsection 3, Code 2017, is amended  
30 to read as follows:

31 3. "*Health facility*" means an institutional health  
32 facility as defined in [section 135.61](#), hospital as defined  
33 in section 135B.1, hospice licensed under [chapter 135J](#), home  
34 health agency as defined in [section 144D.1](#), assisted living  
35 program certified under [chapter 231C](#), clinic, or community

1 health center, and includes any corporation, professional  
2 corporation, partnership, limited liability company, limited  
3 liability partnership, or other entity comprised of such health  
4 facilities.

5 Sec. 9. EFFECTIVE DATES.

6 1. Except as provided in subsection 2, this division of this  
7 Act takes effect July 1, 2019.

8 2. The section of this division of this Act enacting  
9 section 135.63, subsection 2, paragraph "q", takes effect upon  
10 enactment.

11 DIVISION II

12 REPEALS OF CERTAIN BOARDS AND CONFORMING AMENDMENTS

13 Sec. 10. Section 10A.104, subsection 15, Code 2017, is  
14 amended to read as follows:

15 15. Administer inspections of cosmetology salons under  
16 section 157.7 and ~~barbershops under section 158.6.~~

17 Sec. 11. Section 85B.9, subsections 2 and 4, Code 2017, are  
18 amended to read as follows:

19 2. Audiometric examinations shall be administered by  
20 persons who are certified by the council for accreditation  
21 in occupational hearing conservation or by persons ~~licensed~~  
22 registered as audiologists under [chapter 154F](#), or licensed as  
23 physicians or osteopathic physicians and surgeons under chapter  
24 148, provided the registered and licensed persons are trained  
25 in audiometry.

26 4. a. The assessment of the proportion of the total  
27 binaural percentage hearing loss that is due to occupational  
28 noise exposure shall be made by the employer's regular or  
29 consulting physician or ~~licensed~~ registered audiologist who  
30 is trained and has had experience with such assessment. If  
31 several audiometric examinations are available for assessment,  
32 the physician or audiologist shall determine which examinations  
33 shall be used in the final assessment of occupational hearing  
34 loss.

35 b. If the employee disputes the assessment, the employee

1 may select a physician or ~~licensed~~ registered audiologist  
2 similarly trained and experienced to give an assessment of the  
3 audiometric examinations.

4 Sec. 12. Section 135.11, subsection 7, Code 2017, is amended  
5 to read as follows:

6 7. Exercise sole jurisdiction over the disposal and  
7 transportation of the dead bodies of human beings and prescribe  
8 the methods to be used in preparing such bodies for disposal  
9 and transportation. However, the department may approve  
10 a request for an exception to the application of specific  
11 embalming and disposition rules adopted pursuant to this  
12 subsection if such rules would otherwise conflict with tenets  
13 and practices of a recognized religious denomination to which  
14 the deceased individual adhered or of which denomination the  
15 deceased individual was a member. ~~The department shall inform~~  
16 ~~the board of mortuary science of any such approved exception~~  
17 ~~which may affect services provided by a funeral director~~  
18 ~~licensed pursuant to [chapter 156](#).~~

19 Sec. 13. Section 135.24, subsection 2, paragraphs a and d,  
20 Code 2017, are amended to read as follows:

21 a. Procedures for registration of health care providers  
22 deemed qualified by the board of medicine, the board of  
23 physician assistants, the dental board, the board of nursing,  
24 the board of chiropractic, the board of psychology, ~~the board~~  
25 ~~of social work, the board of behavioral science,~~ the board  
26 of pharmacy, the board of optometry, the board of podiatry,  
27 the board of physical and occupational therapy, ~~the board of~~  
28 ~~respiratory care and polysomnography,~~ and the Iowa department  
29 of public health, as applicable.

30 d. Identification of the services to be provided under the  
31 program. The services provided may include but shall not be  
32 limited to obstetrical and gynecological medical services,  
33 psychiatric services provided by a physician licensed under  
34 chapter 148, dental services provided under [chapter 153](#), or  
35 other services provided under [chapter 147A](#), [148A](#), [148B](#), [148C](#),

1 149, 151, 152, ~~152B~~, 152E, 154, 154B, 154C, 154D, 154F, or  
2 155A.

3 Sec. 14. Section 135.24, subsection 7, paragraph d, Code  
4 2017, is amended to read as follows:

5 *d. "Health care provider"* means a physician licensed under  
6 chapter 148, a chiropractor licensed under chapter 151, a  
7 physical therapist licensed pursuant to chapter 148A, an  
8 occupational therapist licensed pursuant to chapter 148B,  
9 a podiatrist licensed pursuant to chapter 149, a physician  
10 assistant licensed and practicing under a supervising physician  
11 pursuant to chapter 148C, a licensed practical nurse, a  
12 registered nurse, or an advanced registered nurse practitioner  
13 licensed pursuant to chapter 152 or 152E, ~~a respiratory~~  
14 ~~therapist licensed pursuant to chapter 152B~~, a dentist, dental  
15 hygienist, or dental assistant registered or licensed to  
16 practice under chapter 153, an optometrist licensed pursuant  
17 to chapter 154, a psychologist licensed pursuant to chapter  
18 154B, a social worker ~~licensed~~ registered pursuant to chapter  
19 154C, a mental health counselor or a marital and family  
20 therapist ~~licensed~~ registered pursuant to chapter 154D, a  
21 speech pathologist or audiologist ~~licensed~~ registered pursuant  
22 to chapter 154F, a pharmacist licensed pursuant to chapter  
23 155A, or an emergency medical care provider certified pursuant  
24 to chapter 147A.

25 Sec. 15. Section 135.61, subsection 10, Code 2017, is  
26 amended to read as follows:

27 10. *"Health care provider"* means a person licensed,  
28 registered, or certified under chapter 147, 148, 148A, 148C,  
29 149, 151, 152, 153, 154, 154B, 154F, or 155A to provide in this  
30 state professional health care service to an individual during  
31 that individual's medical care, treatment, or confinement.

32 Sec. 16. Section 135.131, subsection 4, Code 2017, is  
33 amended to read as follows:

34 4. A birth center shall refer the newborn to a ~~licensed~~  
35 registered audiologist, physician, or hospital for screening

1 for hearing loss prior to discharge of the newborn from the  
2 birth center. The hearing screening shall be completed within  
3 thirty days following discharge of the newborn. The person  
4 completing the hearing screening shall report the results  
5 of the screening to the parent or guardian of the newborn  
6 and to the department in a manner prescribed by rule of the  
7 department. Such person shall also report the results of the  
8 screening to the primary care provider of the newborn.

9 Sec. 17. Section 135L.3, subsection 3, paragraphs b and j,  
10 Code 2017, are amended to read as follows:

11 *b.* The pregnant minor may participate in the court  
12 proceedings on the pregnant minor's own behalf. The court may  
13 appoint a guardian ad litem for the pregnant minor and the  
14 court shall appoint a guardian ad litem for the pregnant minor  
15 if the pregnant minor is not accompanied by a responsible adult  
16 or if the pregnant minor has not viewed the video as provided  
17 pursuant to [section 135L.2](#). In appointing a guardian ad litem  
18 for the pregnant minor, the court shall consider a person  
19 licensed to practice psychology pursuant to [chapter 154B](#), a  
20 ~~licensed~~ registered social worker pursuant to [chapter 154C](#), a  
21 ~~licensed~~ registered marital and family therapist pursuant to  
22 chapter 154D, or a ~~licensed~~ registered mental health counselor  
23 pursuant to [chapter 154D](#) to serve in the capacity of guardian  
24 ad litem. The court shall advise the pregnant minor of the  
25 pregnant minor's right to court-appointed legal counsel, and  
26 shall, upon the pregnant minor's request, provide the pregnant  
27 minor with court-appointed legal counsel, at no cost to the  
28 pregnant minor.

29 *j.* If the court denies the petition for waiver of  
30 notification and if the decision is not appealed or all appeals  
31 are exhausted, the court shall advise the pregnant minor that,  
32 upon the request of the pregnant minor, the court will appoint  
33 a ~~licensed~~ registered marital and family therapist to assist  
34 the pregnant minor in addressing any intrafamilial problems.  
35 All costs of services provided by a court-appointed ~~licensed~~

1 registered marital and family therapist shall be paid by the  
2 court through the expenditure of funds appropriated to the  
3 judicial branch.

4 Sec. 18. Section 144C.3, subsection 5, Code 2017, is amended  
5 to read as follows:

6 5. **This section** shall not be construed to permit a person  
7 who is not ~~licensed~~ registered pursuant to **chapter 156** to make  
8 funeral arrangements.

9 Sec. 19. Section 144C.11, Code 2017, is amended to read as  
10 follows:

11 **144C.11 Practice of mortuary science.**

12 This chapter shall not be construed to authorize the  
13 ~~unlicensed unregistered~~ practice of mortuary science as  
14 provided in **chapter 156**.

15 Sec. 20. Section 147.1, subsections 3 and 6, Code 2017, are  
16 amended to read as follows:

17 3. "*Licensed*" or "*certified*", when applied to a physician  
18 and surgeon, podiatric physician, osteopathic physician and  
19 surgeon, physician assistant, psychologist, chiropractor,  
20 nurse, dentist, dental hygienist, dental assistant,  
21 optometrist, ~~speech pathologist, audiologist, pharmacist,~~  
22 physical therapist, physical therapist assistant, occupational  
23 therapist, occupational therapy assistant, ~~orthotist,~~  
24 ~~prosthetist, pedorthist, respiratory care practitioner,~~  
25 practitioner of cosmetology arts and sciences, ~~practitioner~~  
26 ~~of barbering, funeral director, dietitian, marital and~~  
27 ~~family therapist, mental health counselor, respiratory~~  
28 ~~care and polysomnography practitioner, polysomnographic~~  
29 ~~technologist, social worker, massage therapist, athletic~~  
30 ~~trainer,~~ acupuncturist, nursing home administrator, hearing  
31 ~~aid specialist,~~ or sign language interpreter or transliterator  
32 means a person licensed under **this subtitle**.

33 6. "*Profession*" means medicine and surgery, podiatry,  
34 osteopathic medicine and surgery, practice as a physician  
35 assistant, psychology, chiropractic, nursing, dentistry,



1 dental hygiene, dental assisting, optometry, ~~speech pathology,~~  
2 ~~audiology,~~ pharmacy, physical therapy, physical therapist  
3 assisting, occupational therapy, occupational therapy  
4 assisting, ~~respiratory care,~~ cosmetology arts and sciences,  
5 ~~barbering, mortuary science, marital and family therapy, mental~~  
6 ~~health counseling, polysomnography, social work, dietetics,~~  
7 ~~massage therapy, athletic training,~~ acupuncture, nursing  
8 home administration, ~~practice as a hearing aid specialist,~~  
9 or sign language interpreting or transliterating, ~~orthotics,~~  
10 ~~prosthetics, or pedorthics.~~

11 Sec. 21. Section 147.2, subsection 1, Code 2017, is amended  
12 to read as follows:

13 1. A person shall not engage in the practice of medicine  
14 and surgery, podiatry, osteopathic medicine and surgery,  
15 psychology, chiropractic, physical therapy, physical  
16 therapist assisting, nursing, dentistry, dental hygiene,  
17 dental assisting, optometry, ~~speech pathology, audiology,~~  
18 occupational therapy, occupational therapy assisting,  
19 ~~orthotics, prosthetics, pedorthics, respiratory care,~~  
20 pharmacy, cosmetology arts and sciences, ~~barbering, social~~  
21 ~~work, dietetics, marital and family therapy or mental health~~  
22 ~~counseling, massage therapy, mortuary science, polysomnography,~~  
23 ~~athletic training,~~ acupuncture, nursing home administration,  
24 or sign language interpreting or transliterating, or shall not  
25 practice as a physician assistant ~~or a hearing aid specialist,~~  
26 unless the person has obtained a license for that purpose from  
27 the board for the profession.

28 Sec. 22. Section 147.13, subsections 10, 12, 14, 15, 16, 17,  
29 18, 19, 20, 22, and 24, Code 2017, are amended by striking the  
30 subsections.

31 Sec. 23. Section 147.14, subsection 1, paragraphs a, i, k,  
32 m, o, p, q, r, t, and v, Code 2017, are amended by striking the  
33 paragraphs.

34 Sec. 24. Section 147.14, subsection 1, paragraph s, Code  
35 2017, is amended to read as follows:

1 s. For podiatry, five members licensed to practice podiatry,  
2 ~~two members licensed to practice orthotics, prosthetics, or~~  
3 ~~pedorthics,~~ and two members who are not ~~so~~ licensed to practice  
4 podiatry and who shall represent the general public.

5 Sec. 25. Section 147.74, subsections 11, 12, 13, 14, 17,  
6 19, 20, 23, and 24, Code 2017, are amended by striking the  
7 subsections.

8 Sec. 26. Section 147.76, Code 2017, is amended to read as  
9 follows:

10 **147.76 Rules.**

11 The boards for the various professions shall adopt all  
12 necessary and proper rules to administer and interpret this  
13 chapter and chapters 148 through ~~158, except chapter 148D~~ 152,  
14 152E, 153, 154, 154B, 154E, 154F, 155, 155A, and 157.

15 Sec. 27. Section 148A.3, subsection 1, Code 2017, is amended  
16 to read as follows:

17 1. Licensed physicians and surgeons, osteopathic physicians  
18 and surgeons, podiatric physicians, chiropractors, nurses,  
19 dentists, and cosmetologists, ~~and barbers,~~ who are engaged in  
20 the practice of their respective professions.

21 Sec. 28. Section 152.1, subsection 6, paragraph c, Code  
22 2017, is amended to read as follows:

23 c. The performance of services by unlicensed or unregistered  
24 workers employed in offices, hospitals, or health care  
25 facilities, as defined in [section 135C.1](#), under the supervision  
26 of a physician or a nurse licensed under [this chapter](#), or  
27 employed in the office of a psychologist, podiatric physician,  
28 optometrist, chiropractor, speech pathologist, audiologist, or  
29 physical therapist licensed or registered to practice in this  
30 state, and when acting while within the scope of the employer's  
31 license.

32 Sec. 29. Section 152A.1, Code 2017, is amended to read as  
33 follows:

34 **152A.1 Definitions.**

35 As used in [this chapter](#), unless the context otherwise

1 requires:

2 1. ~~"Board"~~ "Department" means the ~~board of dietetics~~  
3 department of public health created under [chapter 147 135](#).

4 2. ~~"Licensed dietitian" or "dietitian"~~ "Dietitian" means a  
5 person who ~~holds a valid license~~ registers with the department  
6 to practice dietetics pursuant to [this chapter](#).

7 Sec. 30. Section 152A.2, Code 2017, is amended by striking  
8 the section and inserting in lieu thereof the following:

9 **152A.2 Dietitian registration.**

10 A person shall register with the department in order to  
11 provide services as a dietitian.

12 Sec. 31. Section 153.13, subsection 3, Code 2017, is amended  
13 by striking the subsection.

14 Sec. 32. Section 154C.1, subsection 1, Code 2017, is amended  
15 by striking the subsection and inserting in lieu thereof the  
16 following:

17 1. "Department" means the department of public health  
18 established in chapter 135.

19 Sec. 33. Section 154C.1, subsection 2, Code 2017, is amended  
20 by striking the subsection.

21 Sec. 34. Section 154C.1, subsection 3, unnumbered paragraph  
22 1, Code 2017, is amended to read as follows:

23 "Practice of social work" means the professional activity  
24 of ~~licensees~~ persons registered under this chapter which is  
25 directed at enhancing or restoring people's capacity for social  
26 functioning, whether impaired by environmental, emotional,  
27 or physical factors, with particular attention to the  
28 person-in-situation configuration. The social work profession  
29 represents a body of knowledge requiring progressively more  
30 sophisticated analytic and intervention skills, and includes  
31 the application of psychosocial theory methods to individuals,  
32 couples, families, groups, and communities. The practice of  
33 social work does not include the making of a medical diagnosis,  
34 or the treatment of conditions or disorders of biological  
35 etiology except treatment of conditions or disorders which

1 involve psychosocial aspects and conditions. The practice of  
2 social work ~~for each of the categories of social work licensure~~  
3 includes the following:

4 Sec. 35. NEW SECTION. 154C.1A Social work registration.

5 A person shall register with the department in order to  
6 engage in the practice of social work.

7 Sec. 36. Section 154C.7, unnumbered paragraph 1, Code 2017,  
8 is amended to read as follows:

9 This chapter and [chapter 147](#) do not prevent qualified  
10 members of other professions including, but not limited to,  
11 nurses, psychologists, marital and family therapists, mental  
12 health counselors, physicians, physician assistants, attorneys  
13 at law, or members of the clergy, from providing or advertising  
14 that they provide services of a social work nature consistent  
15 with the accepted standards of their respective professions,  
16 provided that these persons do not use a title or description  
17 indicating or implying that they are ~~licensed~~ registered to  
18 practice social work under [this chapter](#) or that they are  
19 practicing social work as defined in [this chapter](#).

20 Sec. 37. Section 154D.1, subsection 1, Code 2017, is amended  
21 by striking the subsection and inserting in lieu thereof the  
22 following:

23 1. "*Department*" means the department of public health  
24 established in chapter 135.

25 Sec. 38. Section 154D.1, subsections 2 and 3, Code 2017, are  
26 amended to read as follows:

27 2. "*Licensed* Registered marital and family therapist" means  
28 a person ~~licensed~~ registered to practice marital and family  
29 therapy under ~~chapter 147~~ and [this chapter](#).

30 3. "*Licensed* Registered mental health counselor" means a  
31 person ~~licensed~~ registered to practice mental health counseling  
32 under ~~chapter 147~~ and [this chapter](#).

33 Sec. 39. Section 154D.1, subsections 4, 7, 8, and 9, Code  
34 2017, are amended by striking the subsections.

35 Sec. 40. NEW SECTION. 154D.1A Behavioral science

1 registration.

2 A person shall register with the department in order to  
3 provide services as a registered marital and family therapist  
4 or a registered mental health counselor.

5 Sec. 41. Section 154D.4, Code 2017, is amended to read as  
6 follows:

7 **154D.4 Exemptions.**

8 1. This chapter and chapter 147 do not prevent qualified  
9 members of other professions, including but not limited to  
10 nurses, psychologists, social workers, physicians, physician  
11 assistants, attorneys at law, or members of the clergy, from  
12 providing or advertising that they provide services of a  
13 marital and family therapy or mental health counseling nature  
14 consistent with the accepted standards of their respective  
15 professions, but these persons shall not use a title or  
16 description denoting that they are ~~licensed~~ registered marital  
17 and family therapists or ~~licensed~~ registered mental health  
18 counselors.

19 2. The ~~licensure~~ registration requirements of this chapter  
20 and chapter 147 do not apply to the following:

21 a. Students whose activities are conducted within a course  
22 of professional education in marital and family therapy or  
23 mental health counseling.

24 b. A person who practices marital and family therapy or  
25 mental health counseling under the supervision of a person  
26 ~~licensed~~ registered under this chapter as part of a clinical  
27 experience as described in section 154D.2, subsection 2.

28 c. The provision of children, family, or mental health  
29 services through the department of human services or juvenile  
30 court, or agencies contracting with the department of human  
31 services or juvenile court, by persons who do not represent  
32 themselves to be either a marital and family therapist or a  
33 mental health counselor.

34 Sec. 42. Section 154F.1, subsection 2, Code 2017, is amended  
35 to read as follows:

1 2. "*Board*" means the board of ~~speech pathology and audiology~~  
2 medicine established pursuant to ~~section 147.14, subsection 1,~~  
3 ~~paragraph "i"~~ chapter 147.

4 Sec. 43. Section 154F.2, subsection 1, paragraph b, Code  
5 2017, is amended by striking the paragraph.

6 Sec. 44. Section 154F.2, subsection 1, paragraph c, Code  
7 2017, is amended to read as follows:

8 c. Students enrolled in an accredited college or university  
9 pursuing a course of study leading to a degree in speech  
10 pathology or audiology while receiving clinical training as a  
11 part of the course of study and acting under the supervision  
12 of a ~~licensed~~ registered speech pathologist or audiologist  
13 provided they use the title "trainee" or similar title clearly  
14 indicating training status.

15 Sec. 45. Section 154F.2, subsection 2, Code 2017, is amended  
16 to read as follows:

17 2. A person exempted from the provisions of this chapter by  
18 this section shall not use the title "speech pathologist" or  
19 "audiologist" or any title or device indicating or representing  
20 in any manner that the person is a speech pathologist or is  
21 an audiologist; provided, ~~a hearing aid specialist licensed~~  
22 ~~under chapter 154A may use the title "certified hearing~~  
23 ~~aid audiologist" when granted by the national hearing aid~~  
24 ~~society; and provided, persons who meet the requirements~~  
25 ~~of section 154F.3, subsection 1, who are certified by the~~  
26 department of education as speech clinicians may use the title  
27 "speech pathologist" and persons ~~who meet the requirements~~  
28 ~~of section 154F.3, subsection 2, who are certified by the~~  
29 department of education as hearing clinicians may use the  
30 title "audiologist", while acting within the scope of their  
31 employment.

32 Sec. 46. NEW SECTION. 154F.2A **Speech pathology and**  
33 **audiology registration.**

34 A person shall register with the board in order to provide  
35 services as an audiologist or speech pathologist.

1 Sec. 47. Section 156.1, subsections 1 and 6, Code 2017, are  
2 amended by striking the subsections.

3 Sec. 48. Section 156.1, subsections 3, 4, and 5, Code 2017,  
4 are amended to read as follows:

5 3. "*Cremation establishment*" means a place of business ~~as~~  
6 ~~defined by the board~~ which provides any aspect of cremation  
7 services.

8 4. "*Funeral director*" means a person ~~licensed by~~ registered  
9 with the board department to practice mortuary science.

10 5. "*Funeral establishment*" means a place of business  
11 ~~as defined by the board~~ devoted to providing any aspect of  
12 mortuary science.

13 Sec. 49. Section 156.1, Code 2017, is amended by adding the  
14 following new subsection:

15 NEW SUBSECTION. 3A. "*Department*" means the department of  
16 public health established in chapter 135.

17 Sec. 50. Section 156.4, Code 2017, is amended to read as  
18 follows:

19 **156.4 Funeral directors.**

20 1. The practice of a funeral director must be conducted  
21 from a funeral establishment ~~licensed by the board.~~ ~~The board~~  
22 ~~may specify criteria for exceptions to the requirement of this~~  
23 ~~subsection in rules.~~

24 2. A person shall not engage in the practice of mortuary  
25 science or establish, conduct, or maintain a funeral  
26 establishment or a cremation establishment unless licensed  
27 registered with the department.

28 ~~3. Applications for the examination for a funeral~~  
29 ~~director's license shall be verified on a form furnished by the~~  
30 ~~board.~~

31 ~~4. Applicants shall pass an examination prescribed by the~~  
32 ~~board, which shall include the subjects of funeral directing,~~  
33 ~~burial or other disposition of dead human bodies, sanitary~~  
34 ~~science, embalming, restorative art, anatomy, public health,~~  
35 ~~transportation, business ethics, and such other subjects as the~~

1 ~~board may designate.~~

2 ~~5. After the applicant has completed satisfactorily the~~  
3 ~~course of instruction in mortuary science in an accredited~~  
4 ~~school approved by the board, the applicant must pass the~~  
5 ~~examination prescribed by the board as provided in section~~  
6 ~~147.34. The applicant may then receive an internship~~  
7 ~~certificate and shall then complete a minimum one-year~~  
8 ~~internship as determined by the board.~~

9 Sec. 51. Section 157.2, subsection 1, paragraph b, Code  
10 2017, is amended by striking the paragraph.

11 Sec. 52. Section 157.2, subsection 1, paragraph h, Code  
12 2017, is amended to read as follows:

13 *h.* Employees of a licensed barbershop when manicuring  
14 fingernails, ~~if permitted under [section 158.14, subsection 2.](#)~~

15 Sec. 53. Section 157.7, Code 2017, is amended to read as  
16 follows:

17 **157.7 Inspectors and clerical assistants.**

18 The department of inspections and appeals shall employ  
19 personnel pursuant to [chapter 8A, subchapter IV](#), to perform  
20 duties related to inspection functions under [this chapter](#).  
21 ~~The department of inspections and appeals shall, when~~  
22 ~~possible, integrate inspection efforts under [this chapter](#) with~~  
23 ~~inspections conducted under [chapter 158.](#)~~

24 The Iowa department of public health may employ clerical  
25 assistants pursuant to [chapter 8A, subchapter IV](#), to administer  
26 and enforce [this chapter](#). The costs and expenses of the  
27 clerical assistants shall be paid from funds appropriated to  
28 the department of public health.

29 Sec. 54. Section 157.8, subsection 2, paragraph c, Code  
30 2017, is amended to read as follows:

31 *c.* A license for a school of cosmetology arts and sciences  
32 shall not be issued for any space in any location where the  
33 same space is also licensed as a barber school.

34 Sec. 55. Section 157.9, Code 2017, is amended to read as  
35 follows:



1     **157.9 License suspension and revocation.**

2     Any license issued by the department under the provisions  
3 of **this chapter** may be suspended, revoked, or renewal denied  
4 by the board for violation of any provision of **this chapter**  
5 ~~or **chapter 158**~~ or rules promulgated by the board under the  
6 provisions of **chapter 17A**.

7     Sec. 56. Section 157.10, subsection 3, Code 2017, is amended  
8 to read as follows:

9     3. A barber licensed under ~~**chapter 158**~~ or a student in  
10 a barber school who applies for licensure in a practice of  
11 cosmetology arts and sciences or who enrolls in a school  
12 of cosmetology arts and sciences shall be granted, at the  
13 discretion of the school, at least half credit and up to full  
14 credit for each course successfully completed ~~for licensure~~  
15 ~~as a barber~~ in barbering which meets the requirements for  
16 licensure in a practice of cosmetology arts and sciences.

17     Sec. 57. Section 157.12, Code 2017, is amended to read as  
18 follows:

19     **157.12 Supervisors.**

20     A person who directly supervises the work of practitioners  
21 of cosmetology arts and sciences shall be licensed in the  
22 practice supervised ~~or a barber licensed under **section 158.3**~~.

23     Sec. 58. Section 157.13, subsection 1, unnumbered paragraph  
24 1, Code 2017, is amended to read as follows:

25     It is unlawful for a person to employ an individual to  
26 practice cosmetology arts and sciences unless that individual  
27 is licensed or has obtained a temporary permit under this  
28 chapter. It is unlawful for a licensee to practice with or  
29 without compensation in any place other than a licensed salon,  
30 or a licensed school of cosmetology arts and sciences, ~~or a~~  
31 ~~licensed barbershop as defined in **section 158.1**~~. The following  
32 exceptions to **this subsection** shall apply:

33     Sec. 59. Section 157.13, subsection 1, paragraph a, Code  
34 2017, is amended to read as follows:

35     a. A licensee may practice at a location which is not a

1 licensed salon, or school of cosmetology arts and sciences, ~~or~~  
2 ~~licensed barbershop~~ under extenuating circumstances arising  
3 from physical or mental disability or death of a customer.

4 Sec. 60. Section 157.13, subsection 2, Code 2017, is amended  
5 to read as follows:

6 2. It is unlawful for a licensee to claim to be a ~~licensed~~  
7 barber, however a licensed cosmetologist may work in a ~~licensed~~  
8 barbershop. It is unlawful for a person to employ a licensed  
9 cosmetologist, esthetician, or electrologist to perform the  
10 services described in [section 157.3A](#) if the licensee has not  
11 received the additional training and met the other requirements  
12 specified in [section 157.3A](#).

13 Sec. 61. Section 216E.7, Code 2017, is amended to read as  
14 follows:

15 **216E.7 Exemptions.**

16 This chapter does not apply to a hearing aid sold, leased, or  
17 transferred to a consumer by an audiologist ~~licensed~~ registered  
18 under [chapter 154F](#), ~~or a hearing aid specialist licensed under~~  
19 [chapter 154A](#), if the audiologist ~~or specialist~~ provides either  
20 an express warranty for the hearing aid or provides for service  
21 and replacement of the hearing aid.

22 Sec. 62. Section 249A.15A, Code 2017, is amended to read as  
23 follows:

24 **249A.15A Licensed Registered marital and family therapists,**  
25 **~~licensed master~~ registered social workers, licensed registered**  
26 **mental health counselors, and certified alcohol and drug**  
27 **counselors.**

28 1. The department shall adopt rules pursuant to chapter  
29 17A entitling marital and family therapists who are ~~licensed~~  
30 registered pursuant to [chapter 154D](#) to payment for behavioral  
31 health services provided to recipients of medical assistance,  
32 subject to limitations and exclusions the department finds  
33 necessary on the basis of federal laws and regulations.

34 2. The department shall adopt rules pursuant to chapter  
35 17A entitling ~~master~~ social workers who ~~hold a master's degree~~

1 ~~approved by the board of social work~~, are licensed as a master  
2 ~~social worker~~ registered pursuant to section ~~154C.3~~, subsection  
3 ~~1~~, paragraph ~~"b"~~, 154C.1A and provide treatment services under  
4 the supervision of an independent social worker licensed  
5 ~~pursuant to section 154C.3, subsection 1, paragraph "c"~~, to  
6 payment for behavioral health services provided to recipients  
7 of medical assistance, subject to limitations and exclusions  
8 the department finds necessary on the basis of federal laws and  
9 regulations.

10 3. The department shall adopt rules pursuant to chapter 17A  
11 entitling mental health counselors who are ~~licensed~~ registered  
12 pursuant to chapter 154D to payment for behavioral health  
13 services provided to recipients of medical assistance, subject  
14 to limitations and exclusions the department finds necessary on  
15 the basis of federal laws and regulations.

16 4. The department shall adopt rules pursuant to chapter 17A  
17 entitling alcohol and drug counselors who are certified by the  
18 nongovernmental Iowa board of substance abuse certification to  
19 payment for behavioral health services provided to recipients  
20 of medical assistance, subject to limitations and exclusions  
21 the department finds necessary on the basis of federal laws and  
22 regulations.

23 Sec. 63. Section 249A.15B, Code 2017, is amended to read as  
24 follows:

25 **249A.15B Speech pathologists eligible for payment.**

26 The department shall adopt rules pursuant to chapter 17A  
27 entitling speech pathologists who are ~~licensed~~ registered  
28 pursuant to chapter 154F, ~~including those certified in~~  
29 ~~independent practice~~, to payment for speech pathology services  
30 provided to recipients of medical assistance, subject to  
31 limitations and exclusions the department finds necessary on  
32 the basis of federal laws and regulations.

33 Sec. 64. Section 261.61, subsections 2, 5, and 9, Code 2017,  
34 are amended to read as follows:

35 2. All classes identified by the barber school or school

1 of cosmetology arts and sciences as required for completion  
 2 of a course of study required for practice as a barber or  
 3 ~~for licensure as provided in section 158.8 or required for~~  
 4 ~~licensure~~ as provided in section 157.10, shall be considered  
 5 a part of the student's barber or cosmetology course of study  
 6 for the purpose of determining the student's eligibility for a  
 7 grant. Notwithstanding subsection 3, if a student is making  
 8 satisfactory academic progress but the student cannot complete  
 9 the course of study in the time frame allowed for a student  
 10 to receive a barber and cosmetology arts and sciences tuition  
 11 grant as provided in subsection 3 because additional classes  
 12 are required to complete the course of study, the student may  
 13 continue to receive a barber and cosmetology arts and sciences  
 14 tuition grant for not more than one additional enrollment  
 15 period.

16 5. A barber and cosmetology arts and sciences tuition grant  
 17 shall be awarded on an annual basis, requiring reapplication  
 18 by the student for each year. Payments under the grant shall  
 19 be allocated equally among the semesters or quarters of the  
 20 year upon certification by the institution that the student is  
 21 in full-time or part-time attendance in a course of study at a  
 22 ~~licensed~~ barber school or licensed school of cosmetology arts  
 23 and sciences. If the student discontinues attendance before  
 24 the end of any term after receiving payment of the grant, the  
 25 entire amount of any refund due that student, up to the amount  
 26 of any payments made under the annual grant, shall be paid by  
 27 the institution to the state.

28 9. For purposes of this section, "*eligible school*" means  
 29 a barber school ~~licensed under section 158.7~~ or a school of  
 30 cosmetology arts and sciences licensed under chapter 157. An  
 31 eligible school shall be accredited by a national accrediting  
 32 agency recognized by the United States department of education  
 33 and shall meet the criteria in section 261.9, subsection 1,  
 34 paragraphs "*d*" through "*g*". An eligible school shall report  
 35 promptly to the commission any information requested.

1 Sec. 65. Section 261.61, subsection 7, paragraph a, Code  
2 2017, is amended to read as follows:

3 a. Provide application forms for distribution to students by  
4 Iowa high schools, ~~licensed~~ barber schools and licensed schools  
5 of cosmetology arts and sciences, and community colleges.

6 Sec. 66. Section 261B.11, subsection 1, paragraph i, Code  
7 2017, is amended to read as follows:

8 i. Postsecondary educational institutions licensed by  
9 the state of Iowa under section ~~157.8~~ or 158.7 to operate as  
10 schools of cosmetology arts and sciences ~~or as barber schools~~  
11 in the state.

12 Sec. 67. Section 261B.11, subsection 1, paragraph m, Code  
13 2017, is amended by striking the paragraph.

14 Sec. 68. Section 272.1, Code 2017, is amended by adding the  
15 following new subsections:

16 NEW SUBSECTION. 1A. "*Athletic trainer*" means a person  
17 registered under this chapter to practice athletic training  
18 under the direction of a licensed physician.

19 NEW SUBSECTION. 1B. "*Athletic training*" means the practice  
20 of prevention, recognition, assessment, physical evaluation,  
21 management, treatment, disposition, and physical reconditioning  
22 of athletic injuries that are within the professional  
23 preparation and education of a registered athletic trainer and  
24 under the direction of a licensed physician. The term "*athletic*  
25 *training*" includes the organization and administration of  
26 educational programs and athletic facilities, and the education  
27 and counseling of the public on matters relating to athletic  
28 training.

29 Sec. 69. Section 272.2, subsection 10, Code 2017, is amended  
30 to read as follows:

31 10. Issue statements of professional recognition to  
32 school service personnel who have attained a minimum of  
33 a baccalaureate degree and who are licensed by another  
34 professional licensing board, ~~including but not limited to~~  
35 ~~athletic trainers licensed under~~ chapter 152D.

1     Sec. 70. NEW SECTION.   **272.32 Athletic training**  
2 **registration.**

3     A person shall register with the department in order to  
4 practice as an athletic trainer.

5     Sec. 71. Section 272C.1, subsection 6, paragraphs g, k,  
6 u, v, z, aa, and ab, Code 2017, are amended by striking the  
7 paragraphs.

8     Sec. 72. Section 272C.3, subsection 2, paragraph a, Code  
9 2017, is amended to read as follows:

10    a. Revoke a license, or suspend a license either until  
11 further order of the board or for a specified period, upon any  
12 of the grounds specified in [section 100D.5](#), [105.22](#), [147.55](#),  
13 [148.6](#), [148B.7](#), [152.10](#), [153.34](#), ~~[154A.24](#)~~, [169.13](#), [455B.219](#),  
14 [542.10](#), [542B.21](#), [543B.29](#), [544A.13](#), [544B.15](#), or [602.3203](#) or  
15 chapter 151 or [155](#), as applicable, or upon any other grounds  
16 specifically provided for in [this chapter](#) for revocation of  
17 the license of a licensee subject to the jurisdiction of  
18 that board, or upon failure of the licensee to comply with a  
19 decision of the board imposing licensee discipline.

20     Sec. 73. Section 272C.4, subsection 6, Code 2017, is amended  
21 to read as follows:

22    6. Define by rule acts or omissions that are grounds for  
23 revocation or suspension of a license under [section 100D.5](#),  
24 [105.22](#), [147.55](#), [148.6](#), [148B.7](#), [152.10](#), [153.34](#), ~~[154A.24](#)~~, [169.13](#),  
25 [455B.219](#), [542.10](#), [542B.21](#), [543B.29](#), [544A.13](#), [544B.15](#), or  
26 [602.3203](#) or [chapter 151](#) or [155](#), as applicable, and to define  
27 by rule acts or omissions that constitute negligence, careless  
28 acts, or omissions within the meaning of section 272C.3,  
29 subsection 2, paragraph "b", which licensees are required to  
30 report to the board pursuant to [section 272C.9, subsection 2](#).

31     Sec. 74. Section 272C.5, subsection 2, paragraph c, Code  
32 2017, is amended to read as follows:

33    c. Shall state whether the procedures are an alternative  
34 to or an addition to the procedures stated in [sections 100D.5](#),  
35 [105.23](#), [105.24](#), [148.6 through 148.9](#), [152.10](#), [152.11](#), [153.33](#),

1 ~~154A.23~~, 542.11, 542B.22, 543B.35, 543B.36, and 544B.16.

2 Sec. 75. Section 272C.6, subsection 6, paragraph a, Code  
3 2017, is amended to read as follows:

4 a. A board created pursuant to chapter 147, ~~154A~~, 155,  
5 169, 542, 542B, 543B, 543D, 544A, or 544B may charge a fee not  
6 to exceed seventy-five dollars for conducting a disciplinary  
7 hearing pursuant to this chapter which results in disciplinary  
8 action taken against the licensee by the board, and in addition  
9 to the fee, may recover from a licensee the costs for the  
10 following procedures and associated personnel:

11 (1) Transcript.

12 (2) Witness fees and expenses.

13 (3) Depositions.

14 (4) Medical examination fees incurred relating to a person  
15 licensed under chapter 147, ~~154A~~, 155, or 169.

16 Sec. 76. Section 273.2, subsection 7, Code 2017, is amended  
17 to read as follows:

18 7. The board of an area education agency or a consortium  
19 of two or more area education agencies shall contract with  
20 one or more ~~licensed~~ registered dietitians for the support of  
21 nutritional provisions in individual education plans developed  
22 in accordance with chapter 256B and to provide information to  
23 support school nutrition coordinators.

24 Sec. 77. Section 280.13C, subsection 4, paragraph b, Code  
25 2017, is amended to read as follows:

26 b. *"Licensed health care provider"* means a physician,  
27 physician assistant, chiropractor, advanced registered nurse  
28 practitioner, nurse, or physical therapist, ~~or athletic trainer~~  
29 licensed by a board designated under section 147.13.

30 Sec. 78. Section 331.608, subsection 6, paragraph c, Code  
31 2017, is amended to read as follows:

32 c. To a person who is a funeral director ~~licensed~~ registered  
33 pursuant to chapter 156 and who has custody of the body of a  
34 deceased veteran.

35 Sec. 79. Section 423.2, subsection 6, paragraph a, Code

1 2017, is amended to read as follows:

2     *a.* The sales price of any of the following enumerated  
3 services is subject to the tax imposed by subsection  
4 5: alteration and garment repair; armored car; vehicle repair;  
5 battery, tire, and allied; investment counseling; service  
6 charges of all financial institutions; barber and beauty; boat  
7 repair; vehicle wash and wax; campgrounds; carpentry; roof,  
8 shingle, and glass repair; dance schools and dance studios;  
9 dating services; dry cleaning, pressing, dyeing, and laundering  
10 excluding the use of self-pay washers and dryers; electrical  
11 and electronic repair and installation; excavating and  
12 grading; farm implement repair of all kinds; flying service;  
13 furniture, rug, carpet, and upholstery repair and cleaning; fur  
14 storage and repair; golf and country clubs and all commercial  
15 recreation; gun and camera repair; house and building moving;  
16 household appliance, television, and radio repair; janitorial  
17 and building maintenance or cleaning; jewelry and watch  
18 repair; lawn care, landscaping, and tree trimming and removal;  
19 limousine service, including driver; machine operator; machine  
20 repair of all kinds; motor repair; motorcycle, scooter, and  
21 bicycle repair; oilers and lubricators; office and business  
22 machine repair; painting, papering, and interior decorating;  
23 parking facilities; pay television; pet grooming; pipe  
24 fitting and plumbing; wood preparation; executive search  
25 agencies; private employment agencies, excluding services  
26 for placing a person in employment where the principal place  
27 of employment of that person is to be located outside of the  
28 state; reflexology; security and detective services, excluding  
29 private security and detective services furnished by a peace  
30 officer with the knowledge and consent of the chief executive  
31 officer of the peace officer's law enforcement agency; sewage  
32 services for nonresidential commercial operations; sewing  
33 and stitching; shoe repair and shoeshine; sign construction  
34 and installation; storage of household goods, mini-storage,  
35 and warehousing of raw agricultural products; swimming pool



1 cleaning and maintenance; tanning beds or salons; taxidermy  
2 services; telephone answering service; test laboratories,  
3 including mobile testing laboratories and field testing by  
4 testing laboratories, and excluding tests on humans or animals  
5 and excluding environmental testing services; termite, bug,  
6 roach, and pest eradicators; tin and sheet metal repair;  
7 transportation service consisting of the rental of recreational  
8 vehicles or recreational boats, or the rental of vehicles  
9 subject to registration which are registered for a gross  
10 weight of thirteen tons or less for a period of sixty days or  
11 less, or the rental of aircraft for a period of sixty days or  
12 less; Turkish baths, massage, and reducing salons, ~~excluding~~  
13 ~~services provided by massage therapists licensed under chapter~~  
14 ~~152C~~; water conditioning and softening; weighing; welding;  
15 well drilling; wrapping, packing, and packaging of merchandise  
16 other than processed meat, fish, fowl, and vegetables; wrecking  
17 service; wrecker and towing.

18 Sec. 80. Section 489.1101, subsection 4, Code 2017, is  
19 amended to read as follows:

20 4. "*Profession*" means the profession of certified public  
21 accountancy, architecture, chiropractic, dentistry, physical  
22 therapy, practice as a physician assistant, psychology,  
23 professional engineering, land surveying, landscape  
24 architecture, law, medicine and surgery, optometry, osteopathic  
25 medicine and surgery, accounting practitioner, podiatry, real  
26 estate brokerage, ~~speech pathology, audiology,~~ veterinary  
27 medicine, pharmacy, or nursing, ~~or marital and family therapy,~~  
28 ~~provided that the marital and family therapist is licensed~~  
29 ~~under chapters 147 and 154D.~~

30 Sec. 81. Section 496C.2, subsection 4, Code 2017, is amended  
31 to read as follows:

32 4. "*Profession*" means the profession of certified public  
33 accountancy, architecture, chiropractic, dentistry, physical  
34 therapy, practice as a physician assistant, psychology,  
35 professional engineering, land surveying, landscape

1 architecture, law, medicine and surgery, optometry, osteopathic  
2 medicine and surgery, accounting practitioner, podiatry, real  
3 estate brokerage, ~~speech pathology, audiology,~~ veterinary  
4 medicine, pharmacy, and the practice of nursing.

5 Sec. 82. Section 514C.28, subsection 2, paragraph i, Code  
6 2017, is amended to read as follows:

7 *i.* "Therapeutic care" means services provided by a licensed  
8 registered speech pathologist, licensed occupational therapist,  
9 or licensed physical therapist.

10 Sec. 83. Section 514C.28, subsection 2, paragraph j,  
11 subparagraph (1), Code 2017, is amended to read as follows:

12 (1) Prescribed, ordered, or provided by a licensed  
13 physician, licensed physician assistant, licensed psychologist,  
14 ~~licensed social worker,~~ or licensed registered nurse  
15 practitioner.

16 Sec. 84. Section 514C.30, subsection 1, Code 2017, is  
17 amended to read as follows:

18 1. Notwithstanding the uniformity of treatment requirements  
19 of [section 514C.6](#), a policy, contract, or plan providing  
20 for third-party payment or prepayment of health or medical  
21 expenses shall not impose a copayment or coinsurance amount  
22 on an insured for services provided by a physical therapist  
23 licensed pursuant to [chapter 148A](#), by an occupational therapist  
24 licensed pursuant to [chapter 148B](#), or by a speech pathologist  
25 ~~licensed~~ registered pursuant to [chapter 154F](#) that is greater  
26 than the copayment or coinsurance amount imposed on the insured  
27 for services provided by a person engaged in the practice of  
28 medicine and surgery or osteopathic medicine and surgery under  
29 chapter 148 for the same or a similar diagnosed condition even  
30 if a different nomenclature is used to describe the condition  
31 for which the services are provided.

32 Sec. 85. Section 523A.302, Code 2017, is amended to read as  
33 follows:

34 **523A.302 Identification of merchandise and service provider.**

35 If a burial trust fund identifies, either in the trust fund

1 records or in a related purchase agreement, the seller who will  
2 provide the cemetery merchandise, funeral merchandise, funeral  
3 services, or a combination thereof, the trust fund records  
4 or the related purchase agreements must contain a statement  
5 signed by an authorized representative of the seller agreeing  
6 to furnish the cemetery merchandise, funeral merchandise,  
7 funeral services, or a combination thereof upon the death of  
8 the beneficiary. The burial trust fund shall not identify a  
9 specific seller as payee unless the trust fund records or the  
10 related purchase agreements, if any, contain the signature  
11 of an authorized representative of the seller and, if the  
12 agreement is for mortuary science services as mortuary science  
13 is defined in [section 156.1](#), the name of a funeral director  
14 ~~licensed~~ registered to deliver those services. A person  
15 may enter into agreements authorizing the establishment of  
16 more than one burial trust fund and agreeing to furnish the  
17 applicable merchandise and services.

18 Sec. 86. Section 523A.502, subsections 2 and 6, Code 2017,  
19 are amended to read as follows:

20 2. [This chapter](#) does not permit a person to practice  
21 mortuary science without a ~~license~~ registering pursuant to  
22 chapter 156. A person holding a current sales license may  
23 advertise, sell, promote, or offer to furnish a funeral  
24 director's services as an employee or agent of a funeral  
25 establishment furnishing the funeral services under chapter  
26 156.

27 6. A sales agent licensed pursuant to [this section](#) shall  
28 satisfactorily fulfill continuing education requirements  
29 for the license as prescribed by the commissioner by rule.  
30 However, this continuing education requirement is not  
31 applicable to a sales agent who is also a licensed insurance  
32 producer under [chapter 522B](#) or a ~~licensed funeral director~~  
33 ~~under [chapter 156](#)~~.

34 Sec. 87. Section 523A.601, subsection 4, Code 2017, is  
35 amended to read as follows:

1 4. A purchase agreement shall be signed by the purchaser,  
2 the seller, and if the agreement is for mortuary science  
3 services as mortuary science is defined in [section 156.1](#), a  
4 ~~person licensed~~ registered to deliver funeral services.

5 Sec. 88. Section 523A.813, Code 2017, is amended to read as  
6 follows:

7 **523A.813 License revocation — recommendation by commissioner**  
8 **to board of mortuary science.**

9 Upon a determination by the commissioner that grounds exist  
10 for an administrative license revocation or suspension action  
11 as adopted by the board of mortuary science under chapter  
12 156 department of public health by rule, the commissioner  
13 may forward to the ~~board~~ department the grounds for the  
14 determination, including all evidence in the possession of the  
15 commissioner, so that the ~~board~~ department may proceed with the  
16 matter as deemed appropriate.

17 Sec. 89. Section 523I.303, Code 2017, is amended to read as  
18 follows:

19 **523I.303 Access by funeral directors.**

20 A cemetery shall not deny access to a ~~licensed~~ registered  
21 funeral director who is conducting funeral services or  
22 supervising the interment or disinterment of human remains.

23 Sec. 90. Section 546.10, subsection 1, paragraph f, Code  
24 2017, is amended by striking the paragraph.

25 Sec. 91. Section 546.10, subsection 5, Code 2017, is amended  
26 to read as follows:

27 5. Fees collected under [chapters 542, 542B, 543B, 544A,](#)  
28 and 544B, ~~and 544C~~ shall be paid to the treasurer of state  
29 and credited to the general fund of the state. All expenses  
30 required in the discharge of the duties and responsibilities  
31 imposed upon the professional licensing and regulation bureau  
32 of the banking division of the department of commerce, the  
33 administrator, and the licensing boards by the laws of this  
34 state shall be paid from moneys appropriated by the general  
35 assembly for those purposes. All fees deposited into the

1 general fund of the state, as provided in [this subsection](#),  
2 shall be subject to the requirements of [section 8.60](#).

3 Sec. 92. Section 622.10, subsection 7, Code 2017, is amended  
4 to read as follows:

5 7. For the purposes of [this section](#), "*mental health*  
6 *professional*" means a psychologist licensed under [chapter 154B](#),  
7 a registered nurse licensed under [chapter 152](#), a social worker  
8 ~~licensed~~ registered under [chapter 154C](#), a marital and family  
9 therapist ~~licensed~~ registered under [chapter 154D](#), a mental  
10 health counselor ~~licensed~~ registered under [chapter 154D](#), or  
11 an individual holding at least a master's degree in a related  
12 field as deemed appropriate by the ~~board of behavioral science~~  
13 department of public health.

14 Sec. 93. Section 714.18, subsection 2, unnumbered paragraph  
15 1, Code 2017, is amended to read as follows:

16 A school licensed under the provisions of [section 157.8](#) ~~or~~  
17 ~~158.7~~ shall file with the college student aid commission the  
18 following:

19 Sec. 94. Section 714.25, subsection 2, unnumbered paragraph  
20 1, Code 2017, is amended to read as follows:

21 A proprietary school shall, prior to the time a student is  
22 obligated for payment of any moneys, inform the student, the  
23 college student aid commission, and in the case of a school  
24 licensed under [section 157.8](#), the board of cosmetology arts  
25 and sciences ~~or in the case of a school licensed under section~~  
26 ~~158.7, the board of barbering~~, of all of the following:

27 Sec. 95. Section 714H.4, subsection 1, paragraph a,  
28 subparagraph (4), Code 2017, is amended to read as follows:

29 (4) Persons or facilities licensed, certified, or  
30 registered under [chapters 135B, 135C, 135J, 148, 148A, 148B,](#)  
31 [148C, 149, 151, 152, 152A, 152B, 153, 154, 154B, 154C, 154D,](#)  
32 [155A, 156, 169, 522B, 542, 542B, 543B, 544A, or 544B](#).

33 Sec. 96. Section 915.82, subsection 1, paragraph a,  
34 subparagraph (7), Code 2017, is amended to read as follows:

35 (7) A person licensed or registered pursuant to [chapter 154B](#)

1 or 154C.

2 Sec. 97. REPEAL. Chapters 148F, 148G, 152B, 152C, 152D,  
3 154A, 158, and 544C, Code 2017, are repealed.

4 Sec. 98. REPEAL. Sections 154C.2, 154C.3, 154C.4, 154C.5,  
5 154C.6, 154D.2, 154D.3, 154D.5, 154D.7, 154F.3, 154F.4, 154F.5,  
6 154F.6, 156.3, 156.8, 156.8A, 156.9, 156.14, 156.15, 156.16,  
7 216E.7, and 272C.2B, Code 2017, are repealed.

8 Sec. 99. TRANSITION PROVISIONS.

9 1. Any rule, regulation, form, order, or directive  
10 promulgated by the board of dietetics, behavioral science,  
11 social work, or mortuary science as required to administer and  
12 enforce the provisions of chapters 152A, 154C, 154D, and 156,  
13 Code 2017, in effect on the effective date of this division  
14 of this Act shall continue in full force and effect until  
15 amended, repealed, or supplemented by affirmative action of the  
16 department of public health.

17 2. Any moneys remaining in any account or fund under the  
18 control of the board of dietetics, the board of behavioral  
19 science, the board of social work, or the board of mortuary  
20 science on the effective date of this division of this Act  
21 and relating to the provisions of this division of this Act  
22 shall be transferred to a comparable fund or account under the  
23 control of the department of public health for such purposes.  
24 Notwithstanding section 8.33, the moneys transferred in  
25 accordance with this subsection shall not revert to the account  
26 or fund from which appropriated or transferred.

27 3. The board of dietetics, the board of behavioral science,  
28 the board of social work, and the board of mortuary science  
29 shall assist the department of public health in implementing  
30 this division of this Act by providing for an effective  
31 transition of powers and duties from the respective board to  
32 the department under chapters 152A, 154C, 154D, and 156 and  
33 related administrative rules. Such assistance shall include  
34 but is not limited to assisting in cooperating with federal  
35 agencies.

1 4. Any replacement of signs, logos, stationery, insignia,  
2 uniforms, and related items that is made due to the effect of  
3 this division of this Act shall be done as part of the normal  
4 replacement cycle for such items.

5 5. A person licensed by the board of dietetics, behavioral  
6 science, social work, or mortuary science on the effective date  
7 of this division of this Act shall immediately be registered to  
8 practice the person's profession by the department of public  
9 health in accordance with this division of this Act.

10 6. An administrative hearing or court proceeding arising  
11 out of an enforcement action under chapter 152A, 154C, 154D, or  
12 156 or related administrative rules pending on the effective  
13 date of this division of this Act shall not be affected by  
14 this division of this Act. Any cause of action or statute  
15 of limitation relating to an action taken by the board of  
16 dietetics, the board of behavioral science, the board of social  
17 work, or the board of mortuary science shall not be affected by  
18 this division of this Act and such cause of action or statute  
19 of limitation shall apply to the department of public health.

20 7. Any moneys remaining in any account or fund under the  
21 control of the board of respiratory care and polysomnography,  
22 the board of massage therapy, the board of hearing aid  
23 specialists, the board of barbering, or the interior design  
24 examining board on the effective date of this division of this  
25 Act and relating to the provisions of this division of this Act  
26 shall be transferred to the general fund.

27 8. An administrative hearing or court proceeding arising  
28 out of an enforcement action under chapter 148F, 148G, 152B,  
29 152C, 154A, or 158 or related administrative rules pending on  
30 the effective date of this division of this Act shall not be  
31 affected by this division of this Act. Any cause of action or  
32 statute of limitation relating to an action taken by the board  
33 of respiratory care and polysomnography, the board of massage  
34 therapy, the board of hearing aid specialists, the board of  
35 barbering, or the interior design examining board shall not be

1 affected by this division of this Act.

2 9. Any rule, regulation, form, order, or directive  
3 promulgated by the board of athletic training as required to  
4 administer and enforce the provisions of chapter 152D, Code  
5 2017, shall continue in full force and effect until amended,  
6 repealed, or supplemented by affirmative action of the board of  
7 educational examiners.

8 10. Any moneys remaining in any account or fund under the  
9 control of the board of athletic training on the effective date  
10 of this division of this Act and relating to the provisions of  
11 this division of this Act shall be transferred to a comparable  
12 fund or account under the control of the board of educational  
13 examiners for such purposes. Notwithstanding section 8.33, the  
14 moneys transferred in accordance with this subsection shall  
15 not revert to the account or fund from which appropriated or  
16 transferred.

17 11. The board of athletic training shall assist the board  
18 of educational examiners in implementing this division of  
19 this Act by providing for an effective transition of powers  
20 and duties between the boards under chapter 152D and related  
21 administrative rules. Such assistance shall include but is not  
22 limited to assisting in cooperating with federal agencies.

23 12. A person licensed by the board of athletic training  
24 on the effective date of this division of this Act shall  
25 immediately be registered to practice the person's profession  
26 by the board of educational examiners in accordance with this  
27 division of this Act.

28 13. An administrative hearing or court proceeding arising  
29 out of an enforcement action under chapter 152D or related  
30 administrative rules pending on the effective date of this  
31 division of this Act shall not be affected by this division  
32 of this Act. Any cause of action or statute of limitation  
33 relating to an action taken by the board of athletic training  
34 shall not be affected by this division of this Act and such  
35 cause of action or statute of limitation shall apply to the



1 board of educational examiners.

2 14. Any rule, regulation, form, order, or directive  
3 promulgated by the board of speech pathology and audiology as  
4 required to administer and enforce the provisions of chapter  
5 154F, Code 2017, shall continue in full force and effect until  
6 amended, repealed, or supplemented by affirmative action of the  
7 board of medicine.

8 15. Any moneys remaining in any account or fund under the  
9 control of the board of speech pathology and audiology on the  
10 effective date of this division of this Act and relating to the  
11 provisions of this division of this Act shall be transferred  
12 to a comparable fund or account under the control of the board  
13 of medicine for such purposes. Notwithstanding section 8.33,  
14 the moneys transferred in accordance with this subsection shall  
15 not revert to the account or fund from which appropriated or  
16 transferred.

17 16. The board of speech pathology and audiology shall  
18 assist the board of medicine in implementing this division of  
19 this Act by providing for an effective transition of powers  
20 and duties between the boards under chapter 154F and related  
21 administrative rules. Such assistance shall include but is not  
22 limited to assisting in cooperating with federal agencies.

23 17. A person licensed by the board of speech pathology  
24 and audiology on the effective date of this division of this  
25 Act shall immediately be registered to practice the person's  
26 profession by the board of medicine in accordance with this  
27 division of this Act.

28 18. An administrative hearing or court proceeding arising  
29 out of an enforcement action under chapter 152F or related  
30 administrative rules pending on the effective date of this  
31 division of this Act shall not be affected by this division  
32 of this Act. Any cause of action or statute of limitation  
33 relating to an action taken by the board of speech pathology  
34 and audiology shall not be affected by this division of this  
35 Act and such cause of action or statute of limitation shall

1 apply to the board of medicine.

2

DIVISION III

3

REPEAL OF STATE ADVISORY BOARD FOR PRESERVES

4 Sec. 100. Section 455A.8, subsections 1 and 2, Code 2017,  
5 are amended to read as follows:

6 1. a. The Brushy creek recreation trails advisory board  
7 shall be organized within the department and shall be composed  
8 of ~~nine~~ eight voting members and one ex officio nonvoting  
9 member as follows:

10 (1) The director of the department or the director's  
11 designee who shall serve as the nonvoting ex officio member.

12 (2) The park employee who is primarily responsible for  
13 maintenance of the Brushy creek recreation area.

14 (3) ~~A member of the state advisory board for preserves~~  
15 ~~established under chapter 465C.~~

16 ~~(4)~~ Seven persons appointed by the natural resource  
17 commission.

18 b. The director shall provide the natural resource  
19 commission with nominations of prospective board members.  
20 Each person appointed by the natural resource commission must  
21 actively participate in recreational trail activities such  
22 as hiking, bicycling, an equestrian sport, or a winter sport  
23 at the Brushy creek recreation area. The ~~nine~~ eight voting  
24 members shall elect a chairperson at the board's first meeting  
25 each year.

26 2. Each voting member of the board shall serve for terms  
27 of three years, and shall be eligible for reappointment. A  
28 vacancy on the board shall be filled for the remainder of the  
29 original term. However, a vacancy in the membership slot  
30 designated for the park employee shall be filled by the park  
31 employee's successor, ~~and the person representing the state~~  
32 ~~advisory board for preserves shall serve at the pleasure of the~~  
33 ~~board~~. The department shall reimburse each member, other than  
34 the director or the director's designee and the park employee,  
35 for actual expenses incurred by the member in performance

1 of the duties of the board. A majority of voting members  
2 constitutes a quorum, and the affirmative vote of a majority  
3 present is necessary for any action taken by the board, except  
4 that a lesser number may adjourn a meeting. A vacancy in the  
5 membership of the board does not impair the rights of a quorum  
6 to exercise all rights and perform all duties of the board.  
7 The board shall meet as required, but at least twice a year.  
8 The board shall meet upon call of the chairperson, or upon  
9 written request of three members of the board. Written notice  
10 of the time and place of the meeting shall be given to each  
11 member.

12 Sec. 101. Section 461A.42, subsection 1, paragraph a, Code  
13 2017, is amended to read as follows:

14 a. A firearm or other weapon authorized for hunting may be  
15 used in preserves or parts of preserves designated by ~~the state~~  
16 ~~advisory board on preserves at the request of~~ the commission.

17 Sec. 102. Section 465C.1, subsection 2, Code 2017, is  
18 amended by striking the subsection.

19 Sec. 103. Section 465C.1, subsection 4, Code 2017, is  
20 amended to read as follows:

21 4. "*Dedication*" means the allocation of an area as a  
22 preserve by a public agency or by a private owner by written  
23 stipulation in a form approved by the ~~state advisory board for~~  
24 preserves commission.

25 Sec. 104. Section 465C.9, Code 2017, is amended to read as  
26 follows:

27 **465C.9 Articles of dedication.**

28 1. The public agency or private owner shall complete  
29 articles of dedication on forms approved by the ~~board~~  
30 commission. When the articles of dedication have been approved  
31 by the governor, the ~~board~~ commission shall record them with  
32 the county recorder for the county or counties in which the  
33 area is located.

34 2. The articles of dedication may contain restrictions  
35 on development, sale, transfer, method of management, public

1 access, and commercial or other use, and may contain such other  
2 provisions as may be necessary to further the purposes of this  
3 chapter. They may define the respective jurisdictions of the  
4 owner or operating agency and the ~~board~~ commission. They may  
5 provide procedures to be applied in case of violation of the  
6 dedication. They may recognize reversionary rights. They may  
7 vary in provisions from one preserve to another in accordance  
8 with differences in relative conditions.

9 Sec. 105. Section 465C.10, Code 2017, is amended to read as  
10 follows:

11 **465C.10 When dedicated as a preserve.**

12 An area shall become a preserve when it has been approved by  
13 the ~~board~~ commission for dedication as a preserve, whether in  
14 public or private ownership, formally dedicated as a preserve  
15 within the system by a public agency or private owner and  
16 designated by the governor as a preserve.

17 Sec. 106. Section 465C.11, Code 2017, is amended to read as  
18 follows:

19 **465C.11 Area held in trust.**

20 1. An area designated as a preserve within the system is  
21 hereby declared put to its highest, best, and most important  
22 use for public benefit. It shall be held in trust and shall not  
23 be alienated except to another public use upon a finding by the  
24 ~~board~~ commission of imperative and unavoidable public necessity  
25 ~~and with the approval of the commission,~~ the general assembly  
26 by concurrent resolution, and the governor. The ~~board's~~  
27 commission's interest or interests in any area designated as a  
28 preserve shall not be taken under the condemnation statutes of  
29 this state without such a finding of imperative and unavoidable  
30 public necessity by the ~~board~~ commission, ~~and with the~~  
31 ~~consent of the commission,~~ the general assembly by concurrent  
32 resolution, and the governor.

33 2. The ~~board~~ commission, with the approval of the governor,  
34 may enter into amendments to any articles of dedication upon  
35 its finding that such amendment will not permit an impairment,

1 disturbance, or development of the area inconsistent with the  
2 purposes of [this chapter](#).

3 3. Before the ~~board~~ commission shall make a finding of  
4 imperative and unavoidable public necessity, or shall enter  
5 into any amendment to articles of dedication, it shall provide  
6 notice of such proposal and opportunity for any person to be  
7 heard. Such notice shall be published at least once in a  
8 newspaper with a general circulation in the county or counties  
9 wherein the area directly affected is situated, and mailed  
10 within ten days of such published notice to all persons who  
11 have requested notice of all such proposed actions. Each  
12 notice shall set forth the substance of the proposed action and  
13 describe, with or without legal description, the area affected,  
14 and shall set forth a place and time not less than sixty days  
15 thence for all persons desiring to be heard to have reasonable  
16 opportunity to be heard prior to the finding of the ~~board~~  
17 commission.

18 Sec. 107. REPEAL. Sections 465C.2, 465C.3, 465C.4, 465C.5,  
19 465C.6, 465C.7, and 465C.8, Code 2017, are repealed.

20 Sec. 108. TRANSITION PROVISIONS.

21 1. Any rule, regulation, form, order, or directive  
22 promulgated by the state advisory board for preserves as  
23 required to administer and enforce the provisions of chapter  
24 465C, Code 2017, shall continue in full force and effect until  
25 amended, repealed, or supplemented by affirmative action of the  
26 natural resource commission.

27 2. Any moneys remaining in any account or fund under the  
28 control of the state advisory board for preserves on the  
29 effective date of this division of this Act and relating  
30 to the provisions of this division of this Act shall be  
31 transferred to a comparable fund or account under the control  
32 of the department of natural resources for such purposes.  
33 Notwithstanding section 8.33, the moneys transferred in  
34 accordance with this subsection shall not revert to the account  
35 or fund from which appropriated or transferred.

DIVISION IV

MERGING ELECTRICAL EXAMINING BOARD AND PLUMBING AND MECHANICAL  
SYSTEMS BOARD — ADVISORY COUNCIL

Sec. 109. Section 100C.10, subsection 3, Code 2017, is amended to read as follows:

3. The state fire marshal, or the state fire marshal's designee, and the chairperson of the electrical ~~examining board~~, plumbing, and mechanical systems advisory council created in [section 103.2](#) shall be nonvoting ex officio members of the board.

Sec. 110. Section 103.1, subsections 1, 2, 3, 4, 7, 10, 17, and 18, Code 2017, are amended to read as follows:

1. "*Apprentice electrician*" means any person who, as such person's principal occupation, is engaged in learning and assisting in the installation, alteration, and repair of electrical wiring, apparatus, and equipment as an employee of a person licensed under [this chapter](#), and who is licensed by the ~~board~~ department and is progressing toward completion of an apprenticeship training program registered by the office of apprenticeship of the United States department of labor. For purposes of [this chapter](#), persons who are not engaged in the installation, alteration, or repair of electrical wiring, apparatus, and equipment, either inside or outside buildings, shall not be considered apprentice electricians.

2. "*Board*" "*Council*" means the electrical ~~examining board~~, plumbing, and mechanical systems advisory council created under section 103.2.

3. "*Class A journeyman electrician*" means a person having the necessary qualifications, training, experience, and technical knowledge to wire for or install electrical wiring, apparatus, and equipment and to supervise apprentice electricians and who is licensed by the ~~board~~ department.

4. "*Class A master electrician*" means a person having the necessary qualifications, training, experience, and technical knowledge to properly plan, lay out, and supervise the

1 installation of electrical wiring, apparatus, and equipment for  
2 light, heat, power, and other purposes and who is licensed by  
3 the ~~board~~ department.

4 7. "*Electrical contractor*" means a person affiliated with  
5 an electrical contracting firm or business who is, or who  
6 employs a person who is, licensed by the ~~board~~ department as  
7 either a class A or class B master electrician and who is also  
8 registered with the state of Iowa as a contractor pursuant to  
9 chapter 91C.

10 10. "*Inspector*" means a person certified as an electrical  
11 inspector upon such reasonable conditions as may be adopted by  
12 the ~~board~~ department. The ~~board~~ department may permit more  
13 than one class of electrical inspector.

14 17. "*Special electrician*" means a person having the  
15 necessary qualifications, training, and experience in wiring  
16 or installing special classes of electrical wiring, apparatus,  
17 equipment, or installations which shall include irrigation  
18 system wiring, disconnecting and reconnecting of existing air  
19 conditioning and refrigeration, and sign installation and who  
20 is licensed by the ~~board~~ department.

21 18. "*Unclassified person*" means any person, other than an  
22 apprentice electrician or other person licensed under this  
23 chapter, who, as such person's principal occupation, is engaged  
24 in learning and assisting in the installation, alteration, and  
25 repair of electrical wiring, apparatus, and equipment as an  
26 employee of a person licensed under [this chapter](#), and who is  
27 licensed by the ~~board~~ department as an unclassified person.  
28 For purposes of [this chapter](#), persons who are not engaged in  
29 the installation, alteration, or repair of electrical wiring,  
30 apparatus, and equipment, either inside or outside buildings,  
31 shall not be considered unclassified persons.

32 Sec. 111. Section 103.1, Code 2017, is amended by adding the  
33 following new subsection:

34 NEW SUBSECTION. 6A. "*Department*" means the department of  
35 public safety created under chapter 80.

1     Sec. 112. Section 103.2, Code 2017, is amended to read as  
2 follows:

3     103.2 Electrical examining board, plumbing, and mechanical  
4 systems advisory council created.

5     1. An electrical ~~examining board, plumbing, and mechanical~~  
6 systems advisory council is created within the division of  
7 state fire marshal of the department of public safety. The  
8 ~~board council~~ shall consist of ~~eleven~~ ten voting members  
9 appointed by the ~~governor and subject to senate confirmation~~  
10 department, all of whom shall be residents of this state.

11     2. The members shall be as follows:

12     a. ~~Two~~ Four members shall be ~~journeyman electricians,~~  
13 ~~one a member of an electrical workers union covered under a~~  
14 ~~collective bargaining agreement and one not a member of a union~~  
15 electricians licensed by the department.

16     b. ~~Two~~ Four members shall be ~~master electricians or~~  
17 ~~electrical contractors, one of whom is a contractor signed to a~~  
18 ~~collective bargaining agreement or a master electrician covered~~  
19 ~~under a collective bargaining agreement and one of whom is a~~  
20 ~~contractor not signed to a collective bargaining agreement or~~  
21 ~~a master electrician who is not a member of a union~~ plumbers  
22 licensed by the department under chapter 105.

23     c. ~~One member shall be an electrical inspector.~~

24     ~~d. Two members, one a union member covered under a~~  
25 ~~collective bargaining agreement and one who is not a member~~  
26 ~~of a union, each of whom shall not be a member of any of the~~  
27 ~~groups described in paragraphs "a" through "c", and shall not~~  
28 licensed as an electrician or a plumber and who shall represent  
29 the general public.

30     ~~e. One member shall be the state fire marshal or a~~  
31 ~~representative of the state fire marshal's office.~~

32     ~~f. One member shall be a local building official employed~~  
33 ~~by a political subdivision to perform electrical inspections~~  
34 ~~for that political subdivision.~~

35     ~~g. One member shall represent a public utility.~~



1 ~~h.~~ One member shall be an engineer licensed pursuant to  
2 ~~chapter 542B~~ with a background in electrical engineering.

3 3. ~~The public members of the board shall be allowed to~~  
4 ~~participate in administrative, clerical, or ministerial~~  
5 ~~functions incident to giving a licensure examination, but shall~~  
6 ~~not determine the content of the examination or determine the~~  
7 ~~correctness of the answers.~~ Professional associations or  
8 societies composed of licensed electricians may recommend to  
9 the governor department the names of potential board council  
10 members whose profession is representative of that association  
11 or society. However, the governor department is not bound  
12 by the recommendations. A board council member shall not  
13 be required to be a member of any professional electrician  
14 association or society.

15 Sec. 113. Section 103.3, subsections 1 and 2, Code 2017, are  
16 amended to read as follows:

17 1. Appointments to the ~~board, other than the state fire~~  
18 ~~marshal or a representative of the state fire marshal's office,~~  
19 council shall be for three-year staggered terms and shall  
20 commence and end as provided by [section 69.19](#). ~~The most~~  
21 ~~recently appointed state fire marshal, or a representative of~~  
22 ~~the state fire marshal's office, shall be appointed to the~~  
23 ~~board on an ongoing basis. Vacancies shall be filled for the~~  
24 ~~unexpired term by appointment of the governor and shall be~~  
25 ~~subject to senate confirmation.~~ Members shall serve no more  
26 than three terms or nine years, whichever is least.

27 2. Members of the board council are entitled to receive  
28 all actual expenses incurred in the discharge of their duties  
29 within the limits of funds appropriated to the ~~board.~~ ~~Each~~  
30 ~~member of the board may also be eligible to receive council but~~  
31 shall serve without compensation as provided in [section 7E.6](#).

32 Sec. 114. Section 103.3, subsection 3, Code 2017, is amended  
33 by striking the subsection.

34 Sec. 115. Section 103.4, Code 2017, is amended to read as  
35 follows:

1     **103.4 Organization of the board council.**

2     The board council shall elect annually from its members a  
3 chairperson and a vice chairperson, ~~and shall hire and provide~~  
4 ~~staff to assist the board in administering~~ **this chapter**. An  
5 executive secretary designated by the board council shall  
6 report to the state fire marshal for purposes of routine  
7 board council administrative functions, ~~and shall report~~  
8 ~~directly to the board for purposes of execution of board policy~~  
9 ~~such as application of licensing criteria and processing of~~  
10 ~~applications~~. The board council shall hold at least one  
11 meeting quarterly at the location of the board's department's  
12 principal office, and meetings shall be called at other times  
13 by the chairperson or four members of the board council.  
14 At any meeting of the board council, a majority of members  
15 constitutes a quorum.

16     Sec. 116. Section 103.6, Code 2017, is amended to read as  
17 follows:

18     **103.6 Powers and duties.**

19     1. The board department shall:

20     a. Adopt rules pursuant to **chapter 17A** and in doing so  
21 shall be governed by the minimum standards set forth in the  
22 most current publication of the national electrical code issued  
23 and adopted by the national fire protection association, and  
24 amendments to the code, which code and amendments shall be  
25 filed in the offices of the state law library and the board  
26 department and shall be a public record. The board department  
27 shall adopt rules reflecting updates to the code and amendments  
28 to the code. The board department shall promulgate and adopt  
29 rules establishing wiring standards that protect public safety  
30 and health and property and that apply to all electrical wiring  
31 which is installed subject to **this chapter**.

32     b. Revoke, suspend, or refuse to renew any license granted  
33 pursuant to **this chapter** when the licensee does any of the  
34 following:

35     (1) Fails or refuses to pay any examination, license, or

1 renewal fee required by law.

2 (2) Is an electrical contractor and fails or refuses to  
3 provide and keep in force a public liability insurance policy  
4 and surety bond as required by the ~~board~~ department.

5 (3) Violates any political subdivision's inspection  
6 ordinances.

7 c. Adopt rules for continuing education requirements for  
8 each classification of licensure established pursuant to this  
9 chapter, and adopt all rules, not inconsistent with the law,  
10 necessary for the proper performance of the duties of the ~~board~~  
11 department.

12 d. Provide for the amount and collection of fees for  
13 inspection and other services.

14 e. Adopt all rules necessary to carry out the licensing and  
15 other provisions of chapter 105.

16 2. The ~~board~~ department may, in its discretion, revoke,  
17 suspend, or refuse to renew any license granted pursuant to  
18 this chapter when the licensee violates any provision of the  
19 national electrical code as adopted pursuant to [subsection 1](#),  
20 this chapter, or any rule adopted pursuant to [this chapter](#).

21 3. The department shall seek input as needed from the  
22 council to address the duties of the department as set forth in  
23 this section.

24 Sec. 117. Section 103.7, Code 2017, is amended to read as  
25 follows:

26 **103.7 Electrician and installer licensing and inspection**  
27 **fund.**

28 An electrician and installer licensing and inspection fund  
29 is created in the state treasury as a separate fund under the  
30 control of the ~~board~~ department. All licensing, examination,  
31 renewal, and inspection fees shall be deposited into the fund  
32 and retained by and for the use of the ~~board~~ department in  
33 administering this chapter and chapter 105. Expenditures  
34 from the fund shall be approved by the sole authority of the  
35 ~~board~~ department in consultation with the state fire marshal.

1 Amounts deposited into the fund shall be considered repayment  
2 receipts as defined in [section 8.2](#). Notwithstanding section  
3 8.33, any balance in the fund on June 30 of each fiscal year  
4 shall not revert to the general fund of the state, but shall  
5 remain available for the purposes of [this chapter](#) in subsequent  
6 fiscal years. Notwithstanding [section 12C.7, subsection 2](#),  
7 interest or earnings on moneys deposited in the fund shall be  
8 credited to the fund.

9 Sec. 118. Section 103.8, subsection 2, Code 2017, is amended  
10 to read as follows:

11 2. Except as provided in [sections 103.13](#) and [103.14](#), no  
12 person shall, for another, plan, lay out, or supervise the  
13 installation of wiring, apparatus, or equipment for electrical  
14 light, heat, power, and other purposes unless the person is  
15 licensed by the ~~board~~ department as an electrical contractor, a  
16 class A master electrician, or a class B master electrician.

17 Sec. 119. Section 103.10, Code 2017, is amended to read as  
18 follows:

19 **103.10 Class A master electrician license — qualifications**  
20 **— class B master electrician license.**

21 1. An applicant for a class A master electrician license  
22 shall have at least one year's experience, acceptable to the  
23 ~~board~~ department, as a licensed class A or class B journeyman  
24 electrician.

25 2. In addition, an applicant shall meet examination  
26 criteria based upon the most recent national electrical code  
27 adopted pursuant to [section 103.6](#) and upon electrical theory,  
28 as determined by the ~~board~~ department.

29 3. a. An applicant who can provide proof acceptable to  
30 the ~~board~~ department that the applicant has been working in  
31 the electrical business and involved in planning for, laying  
32 out, supervising, and installing electrical wiring, apparatus,  
33 or equipment for light, heat, and power since January 1, 1998,  
34 and for a total of at least sixteen thousand hours, of which at  
35 least eight thousand hours shall have been accumulated since

1 January 1, 1998, may be granted a class B master electrician  
2 license without taking an examination. An applicant who is  
3 issued a class B master electrician license pursuant to this  
4 section shall not be authorized to plan, lay out, or supervise  
5 the installation of electrical wiring, apparatus, and equipment  
6 in a political subdivision which, prior to or after January 1,  
7 2008, establishes licensing standards which preclude such work  
8 by class B master electricians in the political subdivision.  
9 The ~~board~~ department shall adopt rules establishing procedures  
10 relating to the restriction of a class B master electrician  
11 license pursuant to [this subsection](#).

12 *b.* A class B master electrician may become licensed as  
13 a class A master electrician upon successful passage of the  
14 examination prescribed in [subsection 2](#).

15 4. A person licensed to plan, lay out, or supervise the  
16 installation of electrical wiring, apparatus, or equipment for  
17 light, heat, power, and other purposes and supervise apprentice  
18 electricians by a political subdivision preceding January 1,  
19 2008, pursuant to a supervised written examination, and who  
20 is currently engaged in the electrical contracting industry,  
21 shall be issued an applicable statewide license corresponding  
22 to that licensure as a class A master electrician or electrical  
23 contractor. The ~~board~~ department shall adopt by rule certain  
24 criteria for city examination standards satisfactory to fulfill  
25 this requirement.

26 5. The ~~board~~ department may reject an application for  
27 licensure under [this section](#) from an applicant who would be  
28 subject to suspension, revocation, or reprimand pursuant to  
29 section 103.35.

30 Sec. 120. Section 103.10A, Code 2017, is amended to read as  
31 follows:

32 **103.10A Inactive master electrician license.**

33 The ~~board~~ department may by rule create an inactive  
34 master electrician license and establish a fee for such a  
35 license. An applicant for an inactive master electrician

1 license shall, at a minimum, meet the requirements of this  
2 chapter and requirements established by the ~~board~~ department  
3 by rule for licensure as a class A master electrician or a  
4 class B master electrician. A person licensed as an inactive  
5 master electrician shall not be authorized to act as a master  
6 electrician, but shall be authorized to apply for a class A  
7 master electrician license or a class B master electrician  
8 license at a future date subject to conditions and under  
9 procedures established by the ~~board~~ department by rule. The  
10 conditions and procedures shall include but not be limited  
11 to completion of the required number of contact hours of  
12 continuing education courses specified in [section 103.18](#), and  
13 paying the applicable license fee specified in [section 103.19](#)  
14 for a class A master electrician license or class B master  
15 electrician license.

16 Sec. 121. Section 103.11, Code 2017, is amended to read as  
17 follows:

18 **103.11 Wiring or installing — supervising apprentices —**  
19 **license required — qualifications.**

20 Except as provided in [section 103.13](#), no person shall, for  
21 another, wire for or install electrical wiring, apparatus,  
22 or equipment, or supervise an apprentice electrician or  
23 unclassified person, unless the person is licensed by the  
24 ~~board~~ department as an electrical contractor, a class A master  
25 electrician, or a class B master electrician, or is licensed  
26 as a class A journeyman electrician or a class B journeyman  
27 electrician and is employed by an electrical contractor or is  
28 working under the supervision of a class A master electrician  
29 or a class B master electrician.

30 Sec. 122. Section 103.12, Code 2017, is amended to read as  
31 follows:

32 **103.12 Class A journeyman electrician license qualifications**  
33 **— class B journeyman electrician license.**

34 1. An applicant for a class A journeyman electrician  
35 license shall have successfully completed an apprenticeship

1 training program registered by the office of apprenticeship  
2 of the United States department of labor in accordance with  
3 the standards established by that department or shall have  
4 received training or experience for a period of time and under  
5 conditions as established by the ~~board~~ department by rule.

6 2. In addition, an applicant shall meet examination  
7 criteria based upon the most recent national electrical code  
8 adopted pursuant to [section 103.6](#) and upon electrical theory,  
9 as determined by the ~~board~~ department.

10 3. *a.* An applicant who can provide proof acceptable to  
11 the ~~board~~ department that the applicant has been employed as a  
12 journeyman electrician since January 1, 1998, and for a total  
13 of at least sixteen thousand hours, of which at least eight  
14 thousand hours shall have been accumulated since January 1,  
15 1998, may be granted a class B journeyman electrician license  
16 without taking an examination. An applicant who is issued a  
17 class B journeyman electrician license pursuant to [this section](#)  
18 shall not be authorized to wire for or install electrical  
19 wiring, apparatus, and equipment in a political subdivision  
20 which, prior to or after January 1, 2008, establishes licensing  
21 standards which preclude such work by class B journeyman  
22 electricians in the political subdivision. The ~~board~~  
23 department shall adopt rules establishing procedures relating  
24 to the restriction of a class B journeyman electrician license  
25 pursuant to [this subsection](#).

26 *b.* A class B journeyman electrician may become licensed as  
27 a class A journeyman electrician upon successful passage of the  
28 examination prescribed in [subsection 2](#).

29 4. A person licensed to wire for or install electrical  
30 wiring, apparatus, or equipment or supervise an apprentice  
31 electrician by a political subdivision preceding January 1,  
32 2008, pursuant to a supervised written examination, and who is  
33 currently engaged in the electrical contracting industry with  
34 at least four years' experience, shall be issued an applicable  
35 statewide license corresponding to that licensure as a class

1 A journeyman electrician or a class B journeyman electrician.  
2 The ~~board~~ department shall adopt by rule certain criteria  
3 for city examination standards satisfactory to fulfill this  
4 requirement.

5 5. The ~~board~~ department may reject an application for  
6 licensure under [this section](#) from an applicant who would be  
7 subject to suspension, revocation, or reprimand pursuant to  
8 section 103.35.

9 Sec. 123. Section 103.12A, Code 2017, is amended to read as  
10 follows:

11 **103.12A Residential electrician and residential master**  
12 **electrician license — qualifications.**

13 1. The ~~board~~ department may by rule provide for the issuance  
14 of a residential electrician license, and may by rule provide  
15 for the issuance of a residential master electrician license.

16 *a.* A residential electrician license or residential master  
17 electrician license, if established by the ~~board~~ department,  
18 shall be issued to applicants who meet qualifications  
19 determined by the ~~board~~ department, and shall be valid  
20 for the performance of residential installations, subject  
21 to limitations or restrictions established by the ~~board~~  
22 department.

23 *b.* A person who, on or after July 1, 2009, holds a special  
24 electrician license authorizing residential electrical  
25 installation, granted pursuant to [section 103.13](#), shall be  
26 eligible for conversion of that special license to either  
27 a residential electrician license or a residential master  
28 electrician license, if established by the ~~board~~ department, in  
29 accordance with requirements and procedures established by the  
30 ~~board~~ department.

31 2. A person licensed by the ~~board~~ department as a class A  
32 journeyman electrician or a class B journeyman electrician,  
33 or as a class A master electrician or a class B master  
34 electrician, shall not be required to hold a residential  
35 electrician or residential master electrician license to



1 perform any type of residential installation authorized for a  
2 person licensed pursuant to [this section](#).

3 3. The ~~board~~ department may reject an application for  
4 licensure under [this section](#) from an applicant who would be  
5 subject to suspension, revocation, or reprimand pursuant to  
6 section 103.35.

7 Sec. 124. Section 103.13, subsections 1 and 3, Code 2017,  
8 are amended to read as follows:

9 1. The ~~board~~ department shall by rule provide for the  
10 issuance of special electrician licenses authorizing the  
11 licensee to engage in a limited class or classes of electrical  
12 work, which class or classes shall be specified on the license.  
13 Each licensee shall have experience, acceptable to the ~~board~~  
14 department, in each such limited class of work for which the  
15 person is licensed.

16 3. The ~~board~~ department may reject an application for  
17 licensure under [this section](#) from an applicant who would be  
18 subject to suspension, revocation, or reprimand pursuant to  
19 section 103.35.

20 Sec. 125. Section 103.15, subsections 1, 2, 3, and 6, Code  
21 2017, are amended to read as follows:

22 1. A person shall be licensed by the ~~board~~ department and  
23 pay a licensing fee to work as an apprentice electrician while  
24 participating in an apprenticeship training program registered  
25 by the office of apprenticeship of the United States department  
26 of labor in accordance with the standards established by  
27 that department. An apprenticeship shall be limited to six  
28 years from the date of licensure, unless extended by the  
29 ~~board~~ department upon a finding that a hardship existed which  
30 prevented completion of the apprenticeship program. Such  
31 licensure shall entitle the licensee to act as an apprentice to  
32 an electrical contractor, a class A master electrician, a class  
33 B master electrician, a class A journeyman electrician, or a  
34 class B journeyman electrician as provided in [subsection 3](#).

35 2. a. A person shall be licensed as an unclassified

1 person by the ~~board~~ department to perform electrical work if  
2 the work is performed under the personal supervision of a  
3 person actually licensed to perform such work and the licensed  
4 and unclassified persons are employed by the same employer.  
5 A person shall not be employed continuously for more than  
6 one hundred days as an unclassified person without having  
7 obtained a current license from the ~~board~~ department. For the  
8 purposes of determining whether a person has been "*employed*  
9 *continuously*" for more than one hundred days under this  
10 subsection, employment shall include any days not worked due to  
11 illness, holidays, weekend days, and other absences that do not  
12 constitute separation from or termination of employment. Any  
13 period of employment as a nonlicensed unclassified person shall  
14 not be credited to any applicable experiential requirement of  
15 an apprenticeship training program registered by the office of  
16 apprenticeship of the United States department of labor.

17 *b.* Licensed persons shall not permit unclassified  
18 persons to perform electrical work except under the personal  
19 supervision of a person actually licensed to perform such  
20 work. Unclassified persons shall not supervise the performance  
21 of electrical work or make assignments of electrical work  
22 to unclassified persons. Any person employing unclassified  
23 persons performing electrical work shall maintain records  
24 establishing compliance with [this section](#), which shall  
25 designate all unclassified persons performing electrical work.

26 3. Apprentice electricians and unclassified persons shall  
27 do no electrical wiring except under the direct personal  
28 on-the-job supervision and control and in the immediate  
29 presence of a licensee as specified in [section 103.11](#). Such  
30 supervision shall include both on-the-job training and related  
31 classroom training as approved by the ~~board~~ department. The  
32 licensee may employ or supervise apprentice electricians and  
33 unclassified persons at a ratio not to exceed three apprentice  
34 electricians and unclassified persons to one licensee, except  
35 that such ratio and the other requirements of [this section](#)

1 shall not apply to apprenticeship classroom training.

2 6. The ~~board~~ department may reject an application for  
3 licensure under this section from an applicant who would be  
4 subject to suspension, revocation, or reprimand pursuant to  
5 section 103.35.

6 Sec. 126. Section 103.16, Code 2017, is amended to read as  
7 follows:

8 **103.16 License examinations.**

9 1. Examinations for licensure shall be offered as often  
10 as deemed necessary by the ~~board~~ department, but no less  
11 than one time per quarter. The scope of the examinations  
12 and the methods of procedure shall be prescribed by the  
13 ~~board~~ department. The examinations given by the ~~board~~  
14 department shall be the Experior assessment examination, or  
15 a successor examination approved by the ~~board~~ department,  
16 or an examination prepared by a third-party testing service  
17 which is substantially equivalent to the Experior assessment  
18 examination, or a successor examination approved by the ~~board~~  
19 department.

20 2. An examination may be given by representatives of the  
21 ~~board~~ department. As soon as practicable after the close of  
22 each examination, a report shall be filed ~~in the office of~~  
23 ~~the secretary of~~ with the board by the board department. The  
24 report shall show the action of the ~~board~~ department upon  
25 each application and the ~~secretary of the board~~ department  
26 shall notify each applicant of the result of the applicant's  
27 examination. Applicants who fail the examination once shall  
28 be allowed to take the examination at the next scheduled  
29 time. Thereafter, the applicant shall be allowed to take  
30 the examination at the discretion of the ~~board~~ department.  
31 An applicant who has failed the examination may request, in  
32 writing, information from the ~~board~~ department concerning the  
33 applicant's examination grade and subject areas or questions  
34 which the applicant failed to answer correctly, except that  
35 if the ~~board~~ department administers a uniform, standardized

1 examination, the ~~board~~ department shall only be required to  
2 provide the examination grade and such other information  
3 concerning the applicant's examination results which are  
4 available to the ~~board~~ department.

5 Sec. 127. Section 103.17, subsection 1, unnumbered  
6 paragraph 1, Code 2017, is amended to read as follows:

7 A member of the ~~board~~ department shall not disclose  
8 information relating to the following:

9 Sec. 128. Section 103.17, subsection 2, Code 2017, is  
10 amended to read as follows:

11 2. A member of the ~~board~~ department who willfully  
12 communicates or seeks to communicate such information, and any  
13 person who willfully requests, obtains, or seeks to obtain such  
14 information, is guilty of a simple misdemeanor.

15 Sec. 129. Section 103.18, Code 2017, is amended to read as  
16 follows:

17 **103.18 License renewal — continuing education.**

18 In order to renew a class A master electrician, class B  
19 master electrician, class A journeyman electrician, or class  
20 B journeyman electrician license issued pursuant to this  
21 chapter, the licensee shall be required to complete eighteen  
22 contact hours of continuing education courses approved by the  
23 ~~board~~ department during the three-year period for which a  
24 license is granted. The contact hours shall include a minimum  
25 of six contact hours studying the national electrical code  
26 described in [section 103.6](#), and the remaining contact hours may  
27 include study of electrical circuit theory, blueprint reading,  
28 transformer and motor theory, electrical circuits and devices,  
29 control systems, programmable controllers, and microcomputers  
30 or any other study of electrical-related material that is  
31 approved by the ~~board~~ department. Any additional hours  
32 studying the national electrical code shall be acceptable. For  
33 purposes of [this section](#), "contact hour" means fifty minutes of  
34 classroom attendance at an approved course under a qualified  
35 instructor approved by the ~~board~~ department.

1     Sec. 130. Section 103.19, subsection 1, unnumbered  
2 paragraph 1, Code 2017, is amended to read as follows:

3     Licenses issued pursuant to **this chapter** shall expire every  
4 three years, with the exception of licenses for apprentice  
5 electricians and unclassified persons, which shall expire on  
6 an annual basis. All license applications shall include the  
7 applicant's social security number, which shall be maintained  
8 as a confidential record and shall be redacted prior to public  
9 release of an application or other record containing such  
10 social security number. The ~~board~~ department shall establish  
11 the fees to be payable for license issuance and renewal in  
12 amounts not to exceed the following:

13     Sec. 131. Section 103.19, subsection 3, Code 2017, is  
14 amended to read as follows:

15     3. If the ~~board~~ department determines that all licenses  
16 shall expire on the same date every three years for licenses  
17 specified in **subsection 1**, paragraph "a", the license fees shall  
18 be prorated by month. The ~~board~~ department shall determine an  
19 individual's license fee based on the number of months that the  
20 individual's license will be in effect after being issued and  
21 prior to expiration.

22     Sec. 132. Section 103.20, Code 2017, is amended to read as  
23 follows:

24     **103.20 Licensee status — employment — death.**

25     1. Individuals performing electrical work in a capacity  
26 for which licensure is required pursuant to **this chapter** shall  
27 be employed by the authority or company obtaining a permit for  
28 the performance of such work, and shall possess a valid license  
29 issued by the ~~board~~ department.

30     2. Upon the death of an electrical contractor, a class A  
31 master electrician, or a class B master electrician, the ~~board~~  
32 department may permit a representative to carry on the business  
33 of the decedent for a period not to exceed six months for  
34 the purpose of completing work under contract to comply with  
35 this chapter. Such representative shall furnish all public

1 liability and property damage insurance required by the ~~board~~  
2 department.

3 Sec. 133. Section 103.21, Code 2017, is amended to read as  
4 follows:

5 **103.21 Licenses without examination — reciprocity with other**  
6 **states.**

7 To the extent that any other state which provides for the  
8 licensing of electricians provides for similar action, the  
9 ~~board~~ department may grant licenses, without examination,  
10 of the same grade and class to an electrician who has been  
11 licensed by such other state for at least one year, upon  
12 payment by the applicant of the required fee, and upon  
13 the ~~board~~ department being furnished with proof that the  
14 qualifications of the applicant are equal to the qualifications  
15 of holders of similar licenses in this state.

16 Sec. 134. Section 103.22, subsections 13 and 14, Code 2017,  
17 are amended to read as follows:

18 13. Apply to a person otherwise licensed pursuant to  
19 this chapter who is engaged in the wiring or installation of  
20 electrical wiring, apparatus, or equipment while presenting a  
21 course of instruction relating to home construction technology,  
22 or a similar course of instruction, offered to students  
23 by a community college established under [chapter 260C](#), an  
24 institution under the control of the state board of regents, or  
25 a school corporation. A student enrolled in such a course of  
26 instruction shall not be considered an apprentice electrician  
27 or unclassified person, and supervision ratios as provided in  
28 section 103.15, subsection 3, shall not be applicable. The  
29 ~~board~~ department shall by rule establish inspection procedures  
30 in the event that the home constructed pursuant to the course  
31 is intended for eventual occupation as a residence.

32 14. Prohibit a person from performing work on an emergency  
33 basis as determined by the ~~board~~ department.

34 Sec. 135. Section 103.24, subsection 1, unnumbered  
35 paragraph 1, Code 2017, is amended to read as follows:

1 The ~~board~~ department shall establish by rule standards for  
2 the certification and decertification of electrical inspectors  
3 appointed by the state or a political subdivision to enforce  
4 this chapter or any applicable resolution or ordinance within  
5 the inspector's jurisdiction, and for certified electrical  
6 inspector continuing education requirements.

7 Sec. 136. Section 103.24, subsection 2, Code 2017, is  
8 amended to read as follows:

9 2. State inspection shall not apply within the jurisdiction  
10 of any political subdivision which, pursuant to [section 103.29](#),  
11 provides by resolution or ordinance standards of electrical  
12 wiring and its installation that are not less stringent than  
13 those prescribed by the ~~board~~ department or by [this chapter](#)  
14 and which further provides by resolution or ordinance for  
15 the inspection of electrical installations within the limits  
16 of such subdivision by a certified electrical inspector. A  
17 copy of the certificate of each electrical inspector shall be  
18 provided to the ~~board~~ department by the political subdivision  
19 issuing the certificate.

20 Sec. 137. Section 103.25, Code 2017, is amended to read as  
21 follows:

22 **103.25 Request for inspection — fees.**

23 1. At or before commencement of any installation required to  
24 be inspected by the ~~board~~ department, the licensee or property  
25 owner making such installation shall submit to the state  
26 fire marshal's office a request for inspection. The ~~board~~  
27 department shall prescribe the methods by which the request  
28 may be submitted, which may include electronic submission or  
29 through a form prescribed by the ~~board~~ department that can be  
30 submitted either through the mail or by a fax transmission.  
31 The ~~board~~ department shall also prescribe methods by which  
32 inspection fees can be paid, which may include electronic  
33 methods of payment. If the ~~board~~ department or the state fire  
34 marshal's office becomes aware that a person has failed to  
35 file a necessary request for inspection, the ~~board~~ department

1 shall send a written notification by certified mail that the  
2 request must be filed within fourteen days. Any person filing  
3 a late request for inspection shall pay a delinquency fee in an  
4 amount to be determined by the ~~board~~ department. A person who  
5 fails to file a late request within fourteen days from receipt  
6 of the notification shall be subject to a civil penalty to be  
7 determined by the ~~board~~ department by rule.

8 2. Notwithstanding [subsection 1](#), the ~~board~~ department  
9 may by rule provide for the issuance of a single permit  
10 to a licensee to request multiple inspections. The permit  
11 authorizes the licensee to perform new electrical installations  
12 specified in the permit. The ~~board~~ department shall prescribe  
13 the methods by which the request for multiple inspections  
14 may be submitted, which may include electronic submission or  
15 through a form prescribed by the ~~board~~ department that can be  
16 submitted either through the mail or by a fax transmission.  
17 The ~~board~~ department shall also prescribe methods by which  
18 inspection fees can be paid, which may include electronic  
19 methods of payment. The ~~board~~ department may perform  
20 inspections of each new electrical installation or any portion  
21 of the total number of new electrical installations made under  
22 each permit. The ~~board~~ department shall establish fees for  
23 such permits, which shall not exceed the total inspection fees  
24 that would be required if each new electrical installation  
25 performed under the request for multiple inspections had been  
26 performed under individual requests for inspections as provided  
27 in [subsection 1](#).

28 Sec. 138. Section 103.26, Code 2017, is amended to read as  
29 follows:

30 **103.26 Condemnation — disconnection — opportunity to**  
31 **correct noncompliance.**

32 If the inspector finds that any installation or portion of  
33 an installation is not in compliance with accepted standards  
34 of construction for health safety and property safety, based  
35 upon minimum standards set forth in the local electrical



1 code or the national electrical code adopted by the ~~board~~  
2 department pursuant to [section 103.6](#), the inspector shall by  
3 written order condemn the installation or noncomplying portion  
4 or order service to such installation disconnected and shall  
5 send a copy of such order to the ~~board~~ department, the state  
6 fire marshal, and the electrical utility supplying power  
7 involved. If the installation or the noncomplying portion is  
8 such as to seriously and proximately endanger human health  
9 or property, the order of the inspector when approved by the  
10 inspector's supervisor shall require immediate condemnation  
11 and disconnection by the applicant. In all other cases, the  
12 order of the inspector shall establish a reasonable period  
13 of time for the installation to be brought into compliance  
14 with accepted standards of construction for health safety and  
15 property safety prior to the effective date established in such  
16 order for condemnation or disconnection.

17 Sec. 139. Section 103.27, subsection 1, Code 2017, is  
18 amended to read as follows:

19 1. A copy of each condemnation or disconnection order shall  
20 be served personally or by regular mail upon the property  
21 owner at the property owner's last known address, the licensee  
22 making the installation, and such other persons as the ~~board~~  
23 department by rule may direct.

24 Sec. 140. Section 103.28, subsection 2, Code 2017, is  
25 amended to read as follows:

26 2. If the electrical inspector determines that an  
27 electrical installation subject to inspection by the ~~board~~  
28 department is not in compliance with accepted standards of  
29 construction for health safety and property safety, based upon  
30 minimum standards adopted by the ~~board~~ department pursuant to  
31 this chapter, the inspector shall issue a correction order. A  
32 correction order made pursuant to [this section](#) shall be served  
33 personally or by United States mail only upon the licensee  
34 making the installation. The correction order shall order the  
35 licensee to make the installation comply with the standards,

1 noting specifically what changes are required. The order  
2 shall specify a date, not more than seventeen calendar days  
3 from the date of the order, when a new inspection shall be  
4 made. When the installation is brought into compliance to the  
5 satisfaction of the inspector, the inspector shall file with  
6 the electrical utility supplying power a certificate stating  
7 that the electrical inspector has approved energization.

8 Sec. 141. Section 103.29, subsections 1, 2, 3, and 5, Code  
9 2017, are amended to read as follows:

10 1. A political subdivision performing electrical  
11 inspections prior to December 31, 2007, shall continue  
12 to perform such inspections. After December 31, 2013, a  
13 political subdivision may choose to discontinue performing  
14 its own inspections and permit the ~~board~~ department to have  
15 jurisdiction over inspections in the political subdivision.  
16 If a political subdivision seeks to discontinue its own  
17 inspections prior to December 31, 2013, the political  
18 subdivision shall petition the ~~board~~ department. On or after  
19 January 1, 2014, if a ~~unanimous vote of the board~~ department  
20 finds that a political subdivision's inspections are inadequate  
21 by reason of misfeasance, malfeasance, or nonfeasance,  
22 the ~~board~~ department may suspend or revoke the political  
23 subdivision's authority to perform its own inspections, subject  
24 to appeal according to the procedure set forth in section  
25 103.34 and judicial review pursuant to [section 17A.19](#). A  
26 political subdivision not performing electrical inspections  
27 prior to December 31, 2007, may make provision for inspection  
28 of electrical installations within its jurisdiction, in which  
29 case it shall keep on file with the ~~board~~ department copies of  
30 its current inspection ordinances or resolutions and electrical  
31 codes.

32 2. A political subdivision performing electrical  
33 inspections pursuant to [subsection 1](#) prior to December 31,  
34 2007, may maintain a different supervision ratio than the ratio  
35 of three apprentice electricians and unclassified persons to

1 one licensee specified in [section 103.15, subsection 3](#), but  
2 may not exceed that ratio. A political subdivision which  
3 begins performing electrical inspections after December 31,  
4 2007, shall maintain the specified three-to-one ratio unless  
5 the ~~board~~ department approves a petition by the political  
6 subdivision for a lower ratio. A political subdivision which  
7 discontinues performing electrical inspections and permits the  
8 ~~board~~ department to have jurisdiction over inspections shall  
9 maintain the specified three-to-one supervision ratio, and may  
10 not petition for a lower ratio unless the political subdivision  
11 subsequently resumes performing electrical inspections.

12 3. A political subdivision that performs electrical  
13 inspections may set appropriate permit fees to pay for such  
14 inspections. A political subdivision shall not require any  
15 person holding a license from the ~~board~~ department to pay  
16 any license fee or take any examination if the person holds  
17 a current license issued by the ~~board~~ department which is of  
18 a classification equal to or greater than the classification  
19 needed to do the work proposed. Any such political subdivision  
20 may provide a requirement that each person doing electrical  
21 work within the jurisdiction of such political subdivision have  
22 on file with the political subdivision a copy of the current  
23 license issued by the ~~board~~ department or such other evidence  
24 of such license as may be provided by the ~~board~~ department.

25 5. A political subdivision that performs electrical  
26 inspections shall act as the authority having jurisdiction for  
27 electrical inspections and for amending the national electrical  
28 code adopted by the ~~board~~ department pursuant to section  
29 103.6 for work performed within the jurisdictional limits of  
30 the political subdivision, provided those inspections and  
31 amendments conform to the requirements of [this chapter](#). Any  
32 action by a political subdivision with respect to amendments  
33 to the national electrical code shall be filed with the ~~board~~  
34 department prior to enforcement by the political subdivision,  
35 and shall not be less stringent than the minimum standards

1 established by the ~~board~~ department by rule.

2 Sec. 142. Section 103.30, subsection 2, Code 2017, is  
3 amended to read as follows:

4 2. The ~~board~~ department may by rule exempt specified types  
5 of new electrical installations from the state electrical  
6 inspection requirements under [section 103.23](#), provided that  
7 a political subdivision conducting inspections pursuant  
8 to [section 103.24](#) shall not be prohibited from requiring  
9 inspection of any new electrical installation exempt by rule  
10 from state inspection pursuant to [this subsection](#).

11 Sec. 143. Section 103.31, subsections 1, 3, 4, 5, and 6,  
12 Code 2017, are amended to read as follows:

13 1. An inspection shall be made within three business  
14 days of the submission of a request for an inspection as  
15 provided in [section 103.25](#). When necessary, circuits may be  
16 energized by the authorized installer prior to inspection but  
17 the installation shall remain subject to condemnation and  
18 disconnection and subject to any appropriate restrictions or  
19 limitations as determined by the ~~board~~ department.

20 3. State inspection procedures and policies shall be  
21 established by the ~~board~~ department. The state fire marshal,  
22 or the state fire marshal's designee, shall enforce the  
23 procedures and policies, and enforce the provisions of the  
24 national electrical code adopted by the ~~board~~ department.

25 4. Except when an inspection reveals that an installation or  
26 portion of an installation is not in compliance with accepted  
27 standards of construction for health safety and property  
28 safety, based upon minimum standards set forth in the local  
29 electrical code or the national electrical code adopted by  
30 the ~~board~~ department pursuant to [section 103.6](#), such that an  
31 order of condemnation or disconnection is warranted pursuant to  
32 section 103.26, an inspector shall not add to, modify, or amend  
33 a construction plan as originally approved by the state fire  
34 marshal or the state building code commissioner in the course  
35 of conducting an inspection.

1 5. Management and supervision of inspectors, including  
2 hiring decisions, disciplinary action, promotions, and work  
3 schedules are the responsibility of the state fire marshal  
4 acting in accordance with applicable law and pursuant to any  
5 applicable collective bargaining agreement. The state fire  
6 marshal and the ~~board~~ department shall jointly determine  
7 work territories, regions, or districts for inspectors  
8 and continuing education and ongoing training requirements  
9 applicable to inspectors. An inspector subject to disciplinary  
10 action pursuant to [this subsection](#) shall be entitled to an  
11 appeal according to the procedure set forth in [section 103.34](#)  
12 and judicial review pursuant to [section 17A.19](#).

13 6. The ~~board~~ department shall establish an internet-based  
14 licensure verification database for access by a state or local  
15 inspector for verification of licensee status. The database  
16 shall include the name of every person licensed under this  
17 chapter and a corresponding licensure number. Inspectors  
18 shall be authorized to request the name and license number of  
19 any person working at a job site subject to inspection for  
20 verification of licensee status. Licensees under [this chapter](#)  
21 shall be required to carry a copy of their current license and  
22 photo identification at all times when employed on a job site  
23 for compliance with [this subsection](#).

24 Sec. 144. Section 103.32, subsection 1, Code 2017, is  
25 amended to read as follows:

26 1. All state electrical inspection fees shall be due and  
27 payable to the ~~board~~ department at or before commencement of  
28 the installation and shall be forwarded with the request for  
29 inspection. Inspection fees provided in [this section](#) shall  
30 not apply within the jurisdiction of any political subdivision  
31 if the political subdivision has adopted an ordinance or  
32 resolution pursuant to [this chapter](#).

33 Sec. 145. Section 103.32, subsection 2, unnumbered  
34 paragraph 1, Code 2017, is amended to read as follows:

35 The ~~board~~ department shall establish the fees for

1 inspections in amounts not to exceed:

2 Sec. 146. Section 103.33, Code 2017, is amended to read as  
3 follows:

4 **103.33 Condemnation or disconnection orders — appeals —**  
5 **disposition of orders pending appeal.**

6 1. Any person aggrieved by a condemnation or disconnection  
7 order issued by the state fire marshal's office may appeal from  
8 the order by filing a written notice of appeal with the ~~board~~  
9 department within ten days after the date the order was served  
10 upon the property owner or within ten days after the order was  
11 filed with the ~~board~~ department, whichever is later.

12 2. Upon receipt of the notice of appeal from a condemnation  
13 or disconnection order because the electrical installation is  
14 proximately dangerous to health or property, the order appealed  
15 from shall not be stayed unless countermanded by the ~~board~~  
16 department.

17 3. Upon receipt of notice of appeal from a condemnation  
18 or disconnection order because the electrical installation  
19 is not in compliance with accepted standards of construction  
20 for health safety and property safety, except as provided in  
21 subsection 2, the order appealed from shall be stayed until  
22 final decision of the ~~board~~ department and the ~~board~~ department  
23 shall notify the property owner and the electrical contractor,  
24 class A master electrician, class B master electrician, fire  
25 alarm installer, special electrician, or if established by the  
26 ~~board~~ department the residential master electrician, making  
27 the installation. The power supplier shall also be notified  
28 in those instances in which the order has been served on such  
29 supplier.

30 Sec. 147. Section 103.34, Code 2017, is amended to read as  
31 follows:

32 **103.34 Appeal procedures.**

33 1. Upon receipt of a notice of appeal filed pursuant to  
34 section 103.33, the ~~chairperson or executive secretary of the~~  
35 ~~board~~ department may designate a hearing officer ~~from among~~

1 ~~the board members~~ to hear the appeal ~~or may set the matter for~~  
2 ~~hearing before the full board at its next regular meeting. A~~  
3 ~~majority of the board shall make the decision.~~

4 2. Upon receiving the notice of appeal filed pursuant to  
5 section 103.33, the ~~board~~ department shall notify all persons  
6 served with the order appealed from. Such persons may join  
7 in the hearing and give testimony in their own behalf. The  
8 ~~board~~ department shall set the hearing date on a date not  
9 more than fourteen days after receipt of the notice of appeal  
10 unless otherwise agreed by the interested parties and the ~~board~~  
11 department.

12 Sec. 148. Section 103.35, unnumbered paragraph 1, Code  
13 2017, is amended to read as follows:

14 ~~The board, by a simple majority vote of the entire board,~~  
15 department may suspend for a period not exceeding two years,  
16 or revoke the certificate of licensure of, or reprimand any  
17 licensee who is found guilty of any of the following acts or  
18 offenses:

19 Sec. 149. Section 103.36, Code 2017, is amended to read as  
20 follows:

21 **103.36 Procedure.**

22 Proceedings for any action under [section 103.35](#) shall be  
23 commenced by filing with the ~~board~~ department written charges  
24 against the accused. Upon the filing of charges, the ~~board~~  
25 department shall conduct an investigation into the charges.  
26 The ~~board~~ department shall designate a time and place for  
27 a hearing, and shall notify the accused of this action and  
28 furnish the accused a copy of all charges at least thirty days  
29 prior to the date of the hearing. The accused has the right to  
30 appear personally or by counsel, to cross-examine witnesses, or  
31 to produce witnesses in defense.

32 Sec. 150. Section 103.38, Code 2017, is amended to read as  
33 follows:

34 **103.38 Criminal violations.**

35 A person who violates a permanent injunction issued pursuant

1 to [section 103.37](#) or presents or attempts to file as the  
2 person's own the certificate of licensure of another, or  
3 who gives false or forged evidence of any kind to the ~~board~~  
4 department in obtaining a certificate of licensure, or who  
5 falsely impersonates another practitioner of like or different  
6 name, or who uses or attempts to use a revoked certificate of  
7 licensure, is guilty of a fraudulent practice under chapter  
8 714.

9 Sec. 151. Section 103.39, subsections 1, 3, 4, 5, and 7,  
10 Code 2017, are amended to read as follows:

11 1. In addition to any other penalties provided for in this  
12 chapter, the ~~board~~ department may by order impose a civil  
13 penalty upon a person who is not licensed under [this chapter](#)  
14 and who does any of the following:

15 a. Is employed in a capacity in which the person engages in  
16 or offers to engage in the activities authorized pursuant to  
17 this chapter.

18 b. Uses or employs the words "electrical contractor", "class  
19 A master electrician", "class B master electrician", "class A  
20 journeyman electrician", or "class B journeyman electrician",  
21 or implies authorization to provide or offer those services,  
22 or otherwise uses or advertises any title, word, figure, sign,  
23 card, advertisement, or other symbol or description tending  
24 to convey the impression that the person is an "electrical  
25 contractor", "class A master electrician", "class B master  
26 electrician", "class A journeyman electrician", or "class B  
27 journeyman electrician".

28 c. Gives false or forged evidence of any kind to the  
29 ~~board or any member of the board~~ department in obtaining or  
30 attempting to obtain a certificate of licensure.

31 d. Falsely impersonates any individual licensed pursuant to  
32 this chapter.

33 e. Uses or attempts to use an expired, suspended, revoked,  
34 or nonexistent certificate of licensure.

35 f. Knowingly aids or abets an unlicensed person who engages



1 in any activity identified in [this subsection](#).

2 3. In determining the amount of a civil penalty to  
3 be imposed, the ~~board~~ department may consider any of the  
4 following:

5 a. Whether the amount imposed will be a substantial economic  
6 deterrent to the violation.

7 b. The circumstances leading to the violation.

8 c. The severity of the violation and the risk of harm to the  
9 public.

10 d. The economic benefits gained by the violator as a result  
11 of noncompliance.

12 e. The interest of the public.

13 4. Before issuing an order under [this section](#), the ~~board~~  
14 department shall provide the person written notice and the  
15 opportunity to request a hearing on the record. The hearing  
16 must be requested within thirty days of the issuance of the  
17 notice and shall be conducted in the same manner as provided  
18 in [section 103.36](#).

19 5. The ~~board~~ department, in connection with a proceeding  
20 under [this section](#), may issue subpoenas to compel the  
21 attendance and testimony of witnesses and the disclosure of  
22 evidence, and may request the attorney general to bring an  
23 action to enforce the subpoena.

24 7. If a person fails to pay a civil penalty within thirty  
25 days after entry of an order under [subsection 1](#), or if the  
26 order is stayed pending an appeal within ten days after the  
27 court enters a final judgment in favor of the ~~board~~ department,  
28 the ~~board~~ department shall notify the attorney general. The  
29 attorney general may commence an action to recover the amount  
30 of the penalty, including reasonable attorney fees and costs.

31 Sec. 152. Section 105.2, subsections 2, 4, 14, and 17, Code  
32 2017, are amended to read as follows:

33 2. "~~Board~~" "Council" means the electrical, plumbing, and  
34 mechanical systems ~~board~~ advisory council as established  
35 pursuant to [section ~~105.3~~ 103.2](#).

1 4. "*Department*" means the Iowa department of public health  
2 safety created under chapter 80.

3 14. "*Medical gas system installer*" means any person who  
4 installs or repairs medical gas piping, components, and  
5 vacuum systems, including brazers, who has been issued a  
6 valid certification from the national inspection testing  
7 certification (NITC) corporation, or an equivalent authority  
8 approved by the ~~board~~ department.

9 17. "*Routine maintenance*" means the maintenance, repair,  
10 or replacement of existing fixtures or parts of plumbing,  
11 mechanical, HVAC, refrigeration, sheet metal, or hydronic  
12 systems in which no changes in original design are made.  
13 Fixtures or parts do not include smoke and fire dampers, or  
14 water, gas, or steam piping permanent repairs except for traps  
15 or strainers. "*Routine maintenance*" shall include emergency  
16 repairs, and the ~~board~~ department shall define the term  
17 "*emergency repairs*" to include the repair of water pipes to  
18 prevent imminent damage to property. "*Routine maintenance*"  
19 does not include the replacement of furnaces, boilers, cooling  
20 appliances, or water heaters more than one hundred gallons in  
21 size.

22 Sec. 153. Section 105.4, subsection 1, paragraphs a and b,  
23 Code 2017, are amended to read as follows:

24 a. The ~~board~~ department shall establish by rule a plumbing  
25 installation code governing the installation of plumbing in  
26 this state. Consistent with fire safety rules and standards  
27 promulgated by the state fire marshal, the ~~board~~ department  
28 shall adopt the most current version of the uniform plumbing  
29 code and the international mechanical code, as the state  
30 plumbing code and the state mechanical code, to govern the  
31 installation of plumbing and mechanical systems in this state.  
32 The ~~board~~ department shall adopt the current version of each  
33 code within six months of its being released. The ~~board~~  
34 department may adopt amendments to each code by rule. The  
35 ~~board~~ department shall work in consultation with the state fire

1 marshal to ensure that proposed amendments do not conflict with  
2 the fire safety rules and standards promulgated by the state  
3 fire marshal. The state plumbing code and the state mechanical  
4 code shall be applicable to all buildings and structures  
5 owned by the state or an agency of the state and in each local  
6 jurisdiction.

7     *b.* Except as provided in paragraph "c", a local jurisdiction  
8 is not required to adopt by ordinance the state plumbing code  
9 or the state mechanical code. However, a local jurisdiction  
10 that adopts by ordinance the state plumbing code or the  
11 state mechanical code may adopt standards that are more  
12 restrictive. A local jurisdiction that adopts standards  
13 that are more restrictive than the state plumbing code or  
14 the state mechanical code shall promptly provide copies of  
15 those standards to the ~~board~~ department. The ~~board~~ department  
16 shall maintain on its internet site the text of all local  
17 jurisdiction standards that differ from the applicable  
18 statewide code. Local jurisdictions shall not be required to  
19 conduct inspections or take any other enforcement action under  
20 the state plumbing code and state mechanical code regardless  
21 of whether the local jurisdiction has adopted by ordinance the  
22 state plumbing code or the state mechanical code.

23     Sec. 154. Section 105.4, subsection 2, Code 2017, is amended  
24 to read as follows:

25     2. The ~~board~~ department shall adopt all rules necessary to  
26 carry out the licensing and other provisions of [this chapter](#).

27     Sec. 155. Section 105.5, subsections 1, 3, and 4, Code 2017,  
28 are amended to read as follows:

29     1. Any person desiring to take an examination for a license  
30 issued pursuant to [this chapter](#) shall make application to the  
31 ~~board~~ department in accordance with the rules of the ~~board~~  
32 department. The application form shall be no longer than two  
33 pages in length, plus one security page. The ~~board~~ department  
34 may require that a recent photograph of the applicant be  
35 attached to the application.

1 3. The ~~board~~ department shall adopt rules relating to all  
2 of the following:

3 a. The qualifications required for applicants seeking  
4 to take examinations, which qualifications shall include  
5 a requirement that an applicant who is a contractor shall  
6 be required to provide the contractor's state contractor  
7 registration number.

8 b. The denial of applicants seeking to take examinations.

9 4. The ~~board~~ department shall adopt an industry  
10 standardized examination for each license type. If a  
11 standardized examination is not available for a specified  
12 license type, the ~~board~~ department shall work with the  
13 appropriate testing vendor to create an examination for the  
14 specified license type.

15 Sec. 156. Section 105.9, subsections 1, 2, 3, 5, and 6, Code  
16 2017, are amended to read as follows:

17 1. The ~~board~~ department shall set the fees for the  
18 examination of all applicants, by rule, which fees shall be  
19 based upon the cost of administering the examinations.

20 2. The ~~board~~ department shall set the license fees and  
21 renewal fees for all licenses issued pursuant to [this chapter](#),  
22 by rule.

23 3. All fees collected under [this chapter](#) shall be retained  
24 by the ~~board~~ department. The moneys retained by the ~~board~~  
25 department shall be used for any of the ~~board's~~ department's  
26 duties under [this chapter](#), including but not limited to the  
27 addition of full-time equivalent positions for program services  
28 and investigations. Revenues retained by the ~~board~~ department  
29 pursuant to [this section](#) shall be considered repayment receipts  
30 as defined in [section 8.2](#). Notwithstanding [section 8.33](#),  
31 moneys retained by the ~~board~~ department pursuant to this  
32 section are not subject to reversion to the general fund of the  
33 state.

34 5. a. The ~~board~~ department shall submit a report to  
35 the general assembly within sixty days following the end

1 of each fiscal year. The reports shall include a balance  
2 sheet projection extending no less than three years. If the  
3 revenue projection exceeds expense projections by more than  
4 ten percent, the ~~board~~ department shall adjust ~~their~~ its fee  
5 schedules accordingly, so that projected revenues are no more  
6 than ten percent higher than projected expenses. The revised  
7 fees shall be implemented no later than January 1, 2013, and  
8 January 1 of each subsequent year.

9     *b.* A license fee for a combined license shall be the sum  
10 total of each of the separate license fees reduced by thirty  
11 percent.

12     6. The ~~board~~ department may charge a fee for an application  
13 required by [this chapter](#) and submitted on paper if an internet  
14 application process is available.

15     Sec. 157. Section 105.10, subsections 1 and 4, Code 2017,  
16 are amended to read as follows:

17     1. Except as provided in [section 105.11](#), a person shall  
18 not operate as a contractor or install or repair plumbing,  
19 mechanical, HVAC, refrigeration, sheet metal, or hydronic  
20 systems without obtaining a license issued by the ~~board~~  
21 department, or install or repair medical gas piping systems  
22 without obtaining a valid certification approved by the ~~board~~  
23 department.

24     4. The ~~board~~ department shall adopt rules to allow a grace  
25 period for a contractor to operate a business described in  
26 subsection 2 without employing a licensed master.

27     Sec. 158. Section 105.12, Code 2017, is amended to read as  
28 follows:

29     **105.12 Form of license.**

30     1. A contracting, plumbing, mechanical, HVAC-refrigeration,  
31 sheet metal, or hydronic license shall be in the form of a  
32 certificate ~~under the seal of the department, signed by the~~  
33 ~~director of public health, and shall be~~ issued in the name of  
34 the ~~board~~ department. The license number shall be noted on the  
35 face of the license.

1     2. In addition to the certificate, the ~~board~~ department  
2 shall provide each licensee with a wallet-sized licensing  
3 identification card.

4     Sec. 159. Section 105.16, Code 2017, is amended to read as  
5 follows:

6     **105.16 Change of residence.**

7     If a person licensed to practice as a contractor or a  
8 plumbing, mechanical, HVAC-refrigeration, sheet metal, or  
9 hydronic professional under *this chapter* changes the person's  
10 residence or place of practice, the person shall so notify the  
11 ~~board~~ department.

12     Sec. 160. Section 105.18, Code 2017, is amended to read as  
13 follows:

14     **105.18 Qualifications and types of licenses issued.**

15     1. *General qualifications.* The ~~board~~ department shall  
16 adopt, by rule, general qualifications for licensure. The  
17 ~~board~~ department may consider the past felony record of an  
18 applicant only if the felony conviction relates to the practice  
19 of the profession for which the applicant requests to be  
20 licensed. References may be required as part of the licensing  
21 process.

22     2. *Plumbing, mechanical, HVAC-refrigeration, sheet*  
23 *metal, and hydronic licenses and contractor licenses.* The  
24 ~~board~~ department shall issue master licenses for plumbing,  
25 mechanical, HVAC-refrigeration, and hydronic professionals.  
26 The ~~board~~ department shall issue journeyman licenses for  
27 plumbing, mechanical, HVAC-refrigeration, sheet metal, and  
28 hydronic professionals. A plumbing license shall allow an  
29 individual to perform work defined as plumbing. A mechanical  
30 license shall allow an individual to perform work defined  
31 as HVAC, refrigeration, sheet metal, and hydronic. An  
32 HVAC-refrigeration license shall allow an individual to perform  
33 work defined as HVAC and refrigeration. A hydronic license  
34 shall allow an individual to perform work defined as hydronic.  
35 A sheet metal license shall allow an individual to perform work

1 defined as sheet metal. The ~~board~~ department shall issue the  
2 separate licenses as follows:

3 *a. Apprentice license.* In order to be licensed by the  
4 ~~board~~ department as an apprentice, a person shall do all of the  
5 following:

6 (1) File an application, which application shall establish  
7 that the person meets the minimum requirements adopted by the  
8 ~~board~~ department.

9 (2) Certify that the person will work under the supervision  
10 of a licensed journeyman or master in the applicable  
11 discipline.

12 (3) Be enrolled in an applicable apprentice program which is  
13 registered with the United States department of labor office  
14 of apprenticeship.

15 *b. Journeyman license.*

16 (1) In order to be licensed by the ~~board~~ department as a  
17 journeyman in the applicable discipline, a person shall do  
18 all of the following:

19 (a) File an application and pay application fees as  
20 established by the ~~board~~ department, which application shall  
21 establish that the person meets the minimum educational and  
22 experience requirements adopted by the ~~board~~ department.

23 (b) Pass the state journeyman licensing examination in  
24 the applicable discipline.

25 (c) Provide the ~~board~~ department with evidence of having  
26 completed at least four years of practical experience as an  
27 apprentice. Commencing January 1, 2010, the four years of  
28 practical experience required by this subparagraph division  
29 must be an apprenticeship training program registered by the  
30 United States department of labor office of apprenticeship.

31 (2) A person may simultaneously hold an active  
32 journeyman license and an inactive master license.

33 (3) An individual who has passed both the journeyman  
34 HVAC-refrigeration examination and the journeyman hydronic  
35 examination separately shall be qualified to be issued a

1 journeyperson mechanical license without having to pass the  
2 journeyperson mechanical examination.

3 *c. Master license.*

4 (1) In order to be licensed by the ~~board~~ department as a  
5 master, a person shall do all of the following:

6 (a) File an application and pay application fees as  
7 established by the ~~board~~ department, which application shall  
8 establish that the person meets the minimum educational and  
9 experience requirements adopted by the ~~board~~ department.

10 (b) Pass the state master licensing examination for the  
11 applicable discipline.

12 (c) Provide evidence to the ~~board~~ department that the person  
13 has previously been a licensed journeyperson or master in the  
14 applicable discipline.

15 (2) An individual who has passed both the master  
16 HVAC-refrigeration examination and the master hydronic  
17 examination separately shall be qualified to be issued a master  
18 mechanical license without having to pass the master mechanical  
19 examination.

20 *d. Contractor license.* In order to be licensed by the  
21 ~~board~~ department as a contractor, a person shall do all of the  
22 following:

23 (1) File an application and pay application fees as  
24 established by the ~~board~~ department and establish that the  
25 person meets the minimum requirements adopted by the ~~board~~  
26 department. Through June 30, 2017, the application shall  
27 include the person's state contractor registration number.  
28 After July 1, 2017, the application shall include proof of  
29 workers compensation insurance coverage, proof of unemployment  
30 insurance compliance, and, for out-of-state contractors, a bond  
31 as described in [chapter 91C](#).

32 (2) Maintain a permanent place of business.

33 (3) Hold a master license or employ at least one person  
34 holding a master license under [this chapter](#).

35 3. *Combined licenses, restricted licenses.*



1     a. The ~~board~~ department may issue single or combined  
2 licenses to persons who qualify as a contractor, master,  
3 journeyman, or apprentice under any of the disciplines.  
4     b. *Special, restricted license.* The ~~board~~ department may  
5 by rule provide for the issuance of special plumbing and  
6 mechanical professional licenses authorizing the licensee to  
7 engage in a limited class or classes of plumbing or mechanical  
8 professional work, which class or classes shall be specified on  
9 the license. Each licensee shall have experience, acceptable  
10 to the ~~board~~ department, in each such limited class for which  
11 the person is licensed. The ~~board~~ department shall designate  
12 each special, restricted license to be a sublicense of either  
13 a plumbing, mechanical, HVAC-refrigeration, sheet metal,  
14 or hydronic license. A special, restricted license may be  
15 a sublicense of multiple types of licenses. An individual  
16 holding a master or journeyman, plumbing, mechanical,  
17 HVAC-refrigeration, sheet metal, or hydronic license shall not  
18 be required to obtain any special, restricted license which is  
19 a sublicense of the license that the individual holds. Special  
20 plumbing and mechanical professional licenses shall be issued  
21 to employees of a rate-regulated gas or electric public utility  
22 who conduct the repair of appliances. "*Repair of appliances*"  
23 means the repair or replacement of mechanical connections  
24 between the appliance shutoff valve and the appliance and  
25 repair of or replacement of parts to the appliance. Such  
26 special, restricted license shall require certification  
27 pursuant to industry-accredited certification standards.  
28     c. The ~~board~~ department shall establish a special,  
29 restricted license fee at a reduced rate, consistent with any  
30 other special, restricted license fees.  
31     d. An individual that holds either a master or  
32 journeyman mechanical license or a master or journeyman  
33 HVAC-refrigeration license shall be exempt from having to  
34 obtain a special electrician's license pursuant to [chapter 103](#)  
35 in order to disconnect and reconnect existing air conditioning

1 and refrigeration systems.

2 4. *Waiver for military service.* Notwithstanding section  
3 17A.9A, the ~~board~~ department shall waive the written  
4 examination requirements and prior experience requirements in  
5 subsection 2, paragraph "b", subparagraph (1), and subsection  
6 2, paragraph "c", for a journey person or master license if the  
7 applicant meets all of the following requirements:

8 a. Is an active or retired member of the United States  
9 military.

10 b. Provides documentation that the applicant was deployed  
11 on active duty during any portion of the time period of July 1,  
12 2008, through December 31, 2009.

13 c. Provides documentation that shows the applicant has  
14 previously passed an examination which the ~~board~~ department  
15 deems substantially similar to the examination for a  
16 journey person license or a master license, as applicable,  
17 issued by the ~~board~~ department, or provides documentation that  
18 shows the applicant has previously been licensed by a state or  
19 local governmental jurisdiction in the same trade and trade  
20 level.

21 Sec. 161. Section 105.19, subsections 1 and 3, Code 2017,  
22 are amended to read as follows:

23 1. An applicant for a contractor license or renewal of  
24 an active contractor license shall provide evidence of a  
25 public liability insurance policy and surety bond in an amount  
26 determined sufficient by the ~~board~~ department by rule.

27 3. The insurance and surety bond shall be written by an  
28 entity licensed to do business in this state and each licensed  
29 contractor shall maintain on file with the ~~board~~ department  
30 a certificate evidencing the insurance providing that the  
31 insurance or surety bond shall not be canceled without the  
32 entity first giving ten days' written notice to the ~~board~~  
33 department.

34 Sec. 162. Section 105.20, subsections 2, 4, and 5, Code  
35 2017, are amended to read as follows:

1 2. A license issued under [this chapter](#) may be renewed  
2 as provided by rule adopted by the ~~board~~ department upon  
3 application by the licensee, without examination. Applications  
4 for renewal shall be made to the ~~board~~ department, accompanied  
5 by the required renewal licensing fee, at least thirty days  
6 prior to the expiration date of the license.

7 4. The ~~board~~ department shall, by rule, establish a  
8 reinstatement process for a licensee who allows a license to  
9 lapse, including reasonable penalties.

10 5. *a.* The ~~board~~ department shall establish continuing  
11 education requirements pursuant to [section 272C.2](#). The basic  
12 continuing education requirement for renewal of a license shall  
13 be the completion, during the immediately preceding license  
14 term, of the number of classroom hours of instruction required  
15 by the ~~board~~ department in courses or seminars which have been  
16 approved by the ~~board~~ department. The ~~board~~ department shall  
17 require at least eight classroom hours of instruction during  
18 each three-year licensing term.

19 *b.* A licensee shall have a thirty-day grace period after  
20 expiration of the licensing term to complete all requirements  
21 necessary for license renewal without penalty.

22 Sec. 163. Section 105.21, Code 2017, is amended to read as  
23 follows:

24 **105.21 Reciprocal licenses.**

25 The ~~board~~ department may license without examination  
26 a nonresident applicant who is licensed under plumbing,  
27 mechanical, HVAC-refrigeration, sheet metal, or hydronic  
28 professional licensing statutes of another state having similar  
29 licensing requirements as those set forth in [this chapter](#) and  
30 the rules adopted under [this chapter](#) if the other state grants  
31 the same reciprocal licensing privileges to residents of Iowa  
32 who have obtained Iowa plumbing or mechanical professional  
33 licenses under [this chapter](#). The ~~board~~ department shall  
34 adopt the necessary rules, not inconsistent with the law, for  
35 carrying out the reciprocal relations with other states which

1 are authorized by [this chapter](#).

2 Sec. 164. Section 105.22, unnumbered paragraph 1, Code  
3 2017, is amended to read as follows:

4 A license to practice as a contractor or as a plumbing,  
5 mechanical, HVAC-refrigeration, sheet metal, or hydronic  
6 professional may be revoked or suspended, or an application  
7 for licensure may be denied pursuant to procedures established  
8 pursuant to [chapter 272C](#) by the ~~board~~ department, or the  
9 licensee may be otherwise disciplined in accordance with that  
10 chapter, when the licensee commits any of the following acts  
11 or offenses:

12 Sec. 165. Section 105.22, subsection 10, Code 2017, is  
13 amended to read as follows:

14 10. Any other such grounds as established by rule by the  
15 ~~board~~ department.

16 Sec. 166. Section 105.23, Code 2017, is amended to read as  
17 follows:

18 **105.23 Jurisdiction of revocation and suspension proceedings.**

19 The ~~board~~ department shall have exclusive jurisdiction of  
20 all proceedings to revoke or suspend a license issued pursuant  
21 to [this chapter](#). The ~~board~~ department may initiate proceedings  
22 under [this chapter](#) or [chapter 272C](#), following procedures set  
23 out in [section 272C.6](#), either on its own motion or on the  
24 complaint of any person. The ~~board~~ department, in connection  
25 with a proceeding under [this chapter](#), may issue subpoenas to  
26 compel attendance and testimony of witnesses and the disclosure  
27 of evidence, and may request the attorney general to bring an  
28 action to enforce the subpoena.

29 Sec. 167. Section 105.24, Code 2017, is amended to read as  
30 follows:

31 **105.24 Notice and default.**

32 1. A written notice stating the nature of the charge or  
33 charges against a licensee and the time and place of the  
34 hearing before the ~~board~~ department on the charges shall be  
35 served on the licensee not less than thirty days prior to the

1 date of hearing either personally or by mailing a copy by  
2 certified mail to the last known address of the licensee.

3 2. If, after having been served with the notice of hearing,  
4 the licensee fails to appear at the hearing, the ~~board~~  
5 department may proceed to hear evidence against the licensee  
6 and may enter such order as is justified by the evidence.

7 Sec. 168. Section 105.27, subsections 1 and 3, Code 2017,  
8 are amended to read as follows:

9 1. In addition to any other penalties provided for in this  
10 chapter, the ~~board~~ department may, by order, impose a civil  
11 penalty, not to exceed five thousand dollars per offense,  
12 upon a person violating any provision of **this chapter**. Each  
13 day of a continued violation constitutes a separate offense,  
14 except that offenses resulting from the same or common facts  
15 or circumstances shall be considered a single offense. Before  
16 issuing an order under **this section**, the ~~board~~ department  
17 shall provide the person written notice and the opportunity to  
18 request a hearing on the record. The hearing must be requested  
19 within thirty days of the issuance of the notice.

20 3. If a person fails to pay a civil penalty within thirty  
21 days after entry of an order under **subsection 1** or, if the  
22 order is stayed pending an appeal, within ten days after the  
23 court enters a final judgment in favor of the ~~board~~ department,  
24 the ~~board~~ department shall notify the attorney general. The  
25 attorney general may commence an action to recover the amount  
26 of the penalty, including reasonable attorney fees and costs.

27 Sec. 169. Section 105.28, Code 2017, is amended to read as  
28 follows:

29 **105.28 Enforcement.**

30 The ~~board~~ department shall enforce the provisions of this  
31 chapter. Every licensee ~~and member of the board~~ shall furnish  
32 the ~~board~~ department such evidence as the licensee ~~or member~~  
33 may have relative to any alleged violation which is being  
34 investigated.

35 Sec. 170. Section 105.29, Code 2017, is amended to read as

1 follows:

2 **105.29 Report of violators.**

3 Every licensee ~~and every member of the board~~ shall report  
4 to the ~~board~~ department the name of every person who is  
5 practicing as a contractor or as a plumbing, mechanical,  
6 HVAC-refrigeration, sheet metal, or hydronic professional  
7 without a license issued pursuant to **this chapter** pursuant  
8 to the knowledge or reasonable belief of the person making  
9 the report. The opening of an office or place of business  
10 for the purpose of providing any services for which a license  
11 is required by **this chapter**, the announcing to the public in  
12 any way the intention to provide any such service, the use of  
13 any professional designation, or the use of any sign, card,  
14 circular, device, vehicle, or advertisement, as a provider of  
15 any such services shall be prima facie evidence of engaging  
16 in the practice of a contractor or a plumbing, mechanical,  
17 HVAC-refrigeration, sheet metal, or hydronic professional.

18 Sec. 171. Section 105.30, Code 2017, is amended to read as  
19 follows:

20 **105.30 Attorney general.**

21 Upon request of the ~~board~~ department, the attorney general  
22 shall institute in the name of the state the proper proceedings  
23 against any person charged by the department with violating any  
24 provision of **this chapter**.

25 Sec. 172. Section 272C.1, subsection 6, paragraph ae, Code  
26 2017, is amended by striking the paragraph and inserting in  
27 lieu thereof the following:

28 *ae.* The department of public safety, in licensing  
29 electricians, plumbers, mechanical professionals, contractors,  
30 and other professionals licensed pursuant to chapters 103 and  
31 105.

32 Sec. 173. Section 331.301, subsection 6, paragraph b, Code  
33 2017, is amended to read as follows:

34 *b.* A county shall not impose any fee or charge on any  
35 individual or business licensed by the ~~plumbing and mechanical~~

1 ~~systems board~~ department of public safety for the right to  
2 perform plumbing, mechanical, HVAC, refrigeration, sheet metal,  
3 or hydronic systems work within the scope of the license. This  
4 paragraph does not prohibit a county from charging fees for the  
5 issuance of permits for, and inspections of, work performed in  
6 its jurisdiction.

7 Sec. 174. Section 364.3, subsection 3, paragraph b, Code  
8 2017, is amended to read as follows:

9 b. A city shall not impose any fee or charge on any  
10 individual or business licensed by the ~~plumbing and mechanical~~  
11 ~~systems board~~ department of public safety for the right to  
12 perform plumbing, mechanical, HVAC, refrigeration, sheet metal,  
13 or hydronic systems work within the scope of the license. This  
14 paragraph does not prohibit a city from charging fees for the  
15 issuance of permits for, and inspections of, work performed in  
16 its jurisdiction.

17 Sec. 175. REPEAL. Sections 103.5, 105.1, and 105.3, Code  
18 2017, are repealed.

19 Sec. 176. TRANSITION PROVISIONS.

20 1. Any rule, regulation, form, order, or directive  
21 promulgated by the electrical examining board or the plumbing  
22 and mechanical systems board as required to administer and  
23 enforce the provisions of chapters 103 and 105, Code 2017,  
24 shall continue in full force and effect until amended,  
25 repealed, or supplemented by affirmative action of the  
26 department of public safety.

27 2. Any moneys remaining in any account or fund under the  
28 control of the electrical examining board or the plumbing and  
29 mechanical systems board on the effective date of this division  
30 of this Act and relating to the provisions of this division of  
31 this Act shall be transferred to a comparable fund or account  
32 under the control of the department of public safety for such  
33 purposes. Notwithstanding section 8.33, the moneys transferred  
34 in accordance with this subsection shall not revert to the  
35 account or fund from which appropriated or transferred.

1 3. The electrical examining board and the plumbing and  
2 mechanical systems board shall assist the department of public  
3 safety in implementing this division of this Act by providing  
4 for an effective transition of powers and duties from the  
5 boards to the department under chapters 103 and 105 and related  
6 administrative rules. Such assistance shall include but is not  
7 limited to assisting in cooperating with federal agencies.

8 4. Any replacement of signs, logos, stationery, insignia,  
9 uniforms, and related items that is made due to the effect of  
10 this division of this Act shall be done as part of the normal  
11 replacement cycle for such items.

12 5. The license of a person licensed by the electrical  
13 examining board or the plumbing and mechanical systems board on  
14 the effective date of this division of this Act shall remain  
15 in effect upon the transition of regulatory authority from the  
16 boards to the department of public safety in accordance with  
17 this division of this Act.

18 6. Control of the plumbing, mechanical, HVAC-refrigeration,  
19 sheet metal, or hydronic registry created in section 105.15  
20 shall be transferred from the department of public health to  
21 the department of public safety.

22 7. An administrative hearing or court proceeding arising  
23 out of an enforcement action under chapter 103 or 105 or  
24 related administrative rules pending on the effective date  
25 of this division of this Act shall not be affected by this  
26 division of this Act. Any cause of action or statute of  
27 limitation relating to an action taken by the electrical  
28 examining board or the plumbing and mechanical systems board  
29 shall not be affected by this division of this Act and such  
30 cause of action or statute of limitation shall apply to the  
31 department of public safety.

32 DIVISION V

33 OUT-OF-STATE LICENSURE APPLICANTS TO BOARD OF EDUCATIONAL  
34 EXAMINERS

35 Sec. 177. Section 272.8, subsection 1, Code 2017, is amended



1 to read as follows:

2 1. The board ~~may~~ shall issue a an initial license, as  
3 established by the board by rule, to an applicant from another  
4 state or country if the applicant files evidence of the  
5 possession of the required or equivalent requirements with the  
6 board. If the applicant is the spouse of a military person who  
7 is on duty or in active state duty as defined in section 29A.1,  
8 subsections 10 and 12, the board shall assign a consultant to  
9 be the single point of contact for the applicant regarding  
10 nontraditional licensure.

11 DIVISION VI

12 LICENSING MORATORIUM

13 Sec. 178. NEW SECTION. 7E.4A Professional regulation.

14 An executive branch administrative unit shall not assess a  
15 fee, require authorization to practice, or otherwise impose  
16 regulations on a profession if the administrative unit did not  
17 regulate the profession prior to July 1, 2017.

18 EXPLANATION

19 The inclusion of this explanation does not constitute agreement with  
20 the explanation's substance by the members of the general assembly.

21 This bill relates to certain state regulations, including  
22 certificate of need requirements, the practice of certain  
23 professions, and the oversight of state preserves. The bill is  
24 organized into divisions.

25 CERTIFICATE OF NEED REQUIREMENT. This division removes the  
26 requirement for a hospital to apply to the Iowa department of  
27 public health for a certificate of need prior to the offering  
28 or development of a new or changed institutional health service  
29 unless the hospital plans to expand its swing-bed capacity  
30 above 25 beds or plans to add any nursing facility beds or  
31 skilled nursing beds.

32 The division exempts facilities that provide services  
33 to a person with a primary diagnosis of mental illness, as  
34 defined in Code section 229.1, from the certificate of need  
35 requirement.

1 The division takes effect July 1, 2019, except that the  
2 certificate of need exemption for facilities that provide  
3 services to a person with a primary diagnosis of mental illness  
4 takes effect upon enactment.

5 REPEALS OF CERTAIN BOARDS — CONFORMING AMENDMENTS.  
6 This division eliminates the following boards and removes  
7 all licensing and registration requirements for their  
8 regulated professions: the board of respiratory care and  
9 polysomnography, the board of massage therapy, the board of  
10 hearing aid specialists, the board of barbering, and the  
11 interior design examining board.

12 The division removes licensing requirements and imposes  
13 registration requirements for the following professions:  
14 dietitians, athletic trainers, funeral directors, mental health  
15 counselors, marital and family therapists, social workers,  
16 speech pathologists, and audiologists.

17 The division requires dietitians, funeral directors, mental  
18 health counselors, marital and family therapists, and social  
19 workers to register with the department of public health,  
20 athletic trainers with the board of educational examiners,  
21 and speech pathologists and audiologists with the board of  
22 medicine. The division removes licensing requirements for  
23 prosthetists, orthotists, and pedorthists and does not require  
24 registration, but retains the board of podiatry.

25 The division removes tooth whitening from the practice of  
26 dentistry as provided in Code section 153.13.

27 REPEAL OF STATE ADVISORY BOARD FOR PRESERVES. This division  
28 eliminates the state advisory board for preserves and assigns  
29 the duties of the board to the natural resource commission of  
30 the department of natural resources.

31 ELECTRICAL EXAMINING BOARD AND PLUMBING AND MECHANICAL  
32 SYSTEMS BOARD MERGER. This division combines the duties  
33 of the electrical examining board with the plumbing and  
34 mechanical systems board to create the electrical, plumbing,  
35 and mechanical systems advisory council under the department

1 of public safety, which will regulate the licensure of  
2 electricians, plumbers, and other professionals currently  
3 licensed by both boards.

4 LICENSING MORATORIUM. This division prohibits an executive  
5 branch administrative unit from imposing new licensing  
6 regulations for a profession not regulated prior to July 1,  
7 2017.

8 OUT-OF-STATE APPLICANTS TO BOARD OF EDUCATIONAL EXAMINERS.  
9 This division requires the board of educational examiners to  
10 issue a license to an applicant who holds a license in another  
11 jurisdiction.

12 The bill makes numerous conforming changes throughout the  
13 Code to reflect all of these changes and provides transition  
14 provisions for the transfer of rules, licenses, fees,  
15 funds, forms, and other items between the various boards and  
16 departments.