

House File 2283 - Introduced

HOUSE FILE 2283

BY FRY

A BILL FOR

1 An Act relating to the organization, composition, meeting,
2 and reporting requirements of health-related commissions,
3 councils, and boards and including transition provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 142A.2, subsections 1 and 6, Code 2020,
2 are amended by striking the subsections.

3 Sec. 2. Section 142A.2, subsection 2, Code 2020, is amended
4 by striking the subsection and inserting in lieu thereof the
5 following:

6 2. "*Bureau*" means the bureau of tobacco use prevention and
7 control of the Iowa department of public health, established
8 pursuant to this chapter.

9 Sec. 3. Section 142A.3, subsection 1, Code 2020, is amended
10 to read as follows:

11 1. The department shall establish, ~~as a separate and~~
12 ~~distinct division within the department,~~ a division bureau of
13 tobacco use prevention and control. The ~~division~~ bureau shall
14 develop, implement, and administer the initiative established
15 in this chapter and shall perform other duties as directed by
16 this chapter or as assigned by the director of public health.

17 Sec. 4. Section 142A.3, subsections 2, 3, 4, 5, 6, 7, 8, 9,
18 and 10, Code 2020, are amended by striking the subsections.

19 Sec. 5. Section 142A.4, unnumbered paragraph 1, Code 2020,
20 is amended to read as follows:

21 The ~~commission~~ bureau shall do all of the following:

22 Sec. 6. Section 142A.4, subsection 9, paragraph b, Code
23 2020, is amended to read as follows:

24 *b.* In coordinating and responding to the requests, the
25 ~~commission~~ bureau shall work with state agencies, the governor,
26 and the general assembly as necessary to address requests
27 deemed appropriate by the ~~commission~~ bureau.

28 Sec. 7. Section 142A.4, subsection 10, unnumbered paragraph
29 1, Code 2020, is amended to read as follows:

30 Adopt rules pursuant to chapter 17A as necessary for the
31 designation, governance, and oversight of the initiative and
32 the implementation of this chapter. The ~~commission~~ bureau
33 shall provide for community partnership and youth program input
34 in the rules adoption process. The rules shall include but are
35 not limited to all of the following:

1 Sec. 8. Section 142A.4, subsections 12, 17, and 19, Code
2 2020, are amended to read as follows:

3 12. Submit a report to the governor and the general assembly
4 ~~on a periodic basis, during the initial year of operation,~~
5 ~~and on an annual basis thereafter,~~ regarding the initiative,
6 including demonstrated progress based on performance
7 indicators. The ~~commission~~ bureau shall report more frequently
8 if requested by the joint appropriations subcommittee that
9 makes recommendations concerning the ~~commission's~~ bureau's
10 budget. ~~Beginning July 1, 2005, the commission shall also~~
11 ~~perform a comprehensive review of the initiative and shall~~
12 ~~submit a report of its findings to the governor and the general~~
13 ~~assembly on or before December 15, 2005.~~

14 17. Solicit and accept any gift of money or property,
15 including any grant of money, services, or property from
16 the federal government, the state, a political subdivision,
17 or a private source that is consistent with the goals of
18 the initiative. The ~~commission~~ bureau shall adopt rules
19 prohibiting the acceptance of gifts from a manufacturer of
20 tobacco products.

21 19. Evaluate the work of the ~~division~~ bureau and the
22 department relating to the initiative. For this purpose, the
23 ~~commission~~ bureau shall have access to any relevant department
24 records and documents, and other information reasonably
25 obtainable by the department.

26 Sec. 9. Section 142A.4, subsection 13, Code 2020, is amended
27 by striking the subsection.

28 Sec. 10. Section 142A.5, Code 2020, is amended to read as
29 follows:

30 **142A.5 Director and administrator duties.**

31 ~~±.~~ The director shall do all of the following:

32 ~~a.~~ 1. Establish and maintain the ~~division~~ bureau of tobacco
33 use prevention and control.

34 ~~b.~~ ~~Employ a separate division administrator, in accordance~~
35 ~~with the requirements of section 142A.4, subsection 14, in a~~

~~1 full-time equivalent position whose sole responsibility and
2 duty shall be the administration and oversight of the division.
3 The division administrator shall report to and shall serve
4 at the pleasure of the director. The administrator shall
5 be exempt from the merit system provisions of chapter 8A,
6 subchapter IV.~~

7 ~~c.~~ 2. Coordinate all tobacco use prevention and control
8 programs and activities under the purview of the department.

9 ~~d.~~ ~~Receive and review budget recommendations from the
10 commission. The director shall consider these recommendations
11 in developing the budget request for the department.~~

12 ~~2.~~ The administrator shall do all of the following:

13 ~~a.~~ 3. Implement the initiative, coordinate the activities
14 of the ~~commission~~ and the initiative, and coordinate other
15 tobacco use prevention and control activities as assigned by
16 the director.

17 ~~b.~~ 4. Monitor and evaluate the effectiveness of performance
18 measures.

19 ~~c.~~ ~~Provide staff and administrative support to the
20 commission.~~

21 ~~d.~~ 5. Administer contracts entered into under [this chapter](#).

22 ~~e.~~ 6. Coordinate and cooperate with other tobacco use
23 prevention and control programs within and outside of the
24 state.

25 ~~f.~~ ~~Provide necessary information to the commission to
26 assist the commission in making its annual report to the
27 joint appropriations subcommittee pursuant to section 142A.4,
28 subsection 13, and in fulfilling other commission duties
29 pursuant to [section 142A.4](#).~~

30 Sec. 11. Section 142A.6, subsections 1, 4, and 5, Code 2020,
31 are amended to read as follows:

32 1. A comprehensive tobacco use prevention and control
33 initiative is established. The ~~division~~ bureau shall implement
34 the initiative as provided in [this chapter](#).

35 4. The ~~division~~ bureau shall implement the initiative

1 in a manner that ensures that youth are extensively involved
2 in the decision making for the programs implemented under
3 the initiative. The initiative shall also involve parents,
4 schools, and community members in activities to achieve the
5 results desired for the initiative. The ~~division~~ bureau
6 shall encourage collaboration at the state and local levels
7 to maximize available resources and to provide flexibility to
8 support community efforts.

9 5. Procurement of goods and services necessary to implement
10 the initiative is subject to approval of the ~~commission~~
11 department. Notwithstanding chapter 8A, subchapter III, or
12 any other provision of law to the contrary, such procurement
13 may be accomplished by the ~~commission~~ department under its
14 own competitive bidding process which shall provide for
15 consideration of such factors as price, bidder competence, and
16 expediency in procurement.

17 Sec. 12. Section 142A.8, subsections 2 and 3, Code 2020, are
18 amended to read as follows:

19 2. A community partnership area shall encompass a county
20 or multicounty area, school district or multischool district
21 area, economic development enterprise zone that meets the
22 requirements of an urban or rural enterprise community under
23 Tit. XIII of the federal Omnibus Budget Reconciliation Act of
24 1993, or early childhood Iowa area, in accordance with criteria
25 adopted by the ~~commission~~ bureau for appropriate population
26 levels and size of geographic areas.

27 3. The ~~commission~~ bureau shall adopt rules pursuant to
28 chapter 17A providing procedures for the initial designation
29 of community partnership areas and for subsequent changes to
30 the initially designated areas.

31 Sec. 13. Section 142A.10, subsections 1, 2, and 3, Code
32 2020, are amended to read as follows:

33 1. The ~~commission~~ bureau shall develop and implement a
34 statewide system for the initiative programs that are delivered
35 through community partnerships.

1 2. The system shall provide for equitable allocation of
2 funding for initiative programs among the state's community
3 partnership areas, based upon school-age population and other
4 criteria established by the ~~commission~~ bureau.

5 3. The specific programs, distribution provisions, and
6 other provisions approved by the ~~commission~~ bureau for
7 expenditure of the maximum allocation amount established for
8 a community partnership area shall be outlined in the written
9 contract with the community partnership.

10 Sec. 14. Section 225C.5, subsection 1, paragraph g, Code
11 2020, is amended by striking the paragraph.

12 Sec. 15. NEW SECTION. 225C.22 Mental health planning and
13 advisory council — meetings.

14 The mental health planning and advisory council created
15 pursuant to 42 U.S.C. §300x-3 shall meet no more than four
16 times per year.

17 Sec. 16. REPEAL. Section 148C.12, Code 2020, is repealed.

18 Sec. 17. SUBSTANCE ABUSE WORK GROUP — TOBACCO. The
19 division of behavioral health of the department of public
20 health shall include tobacco use as a subject of study in new
21 or existing work groups convened for the purpose of addressing
22 substance abuse in Iowa.

23 Sec. 18. TRANSITION PROVISIONS.

24 1. Any rule, regulation, form, order, or directive
25 promulgated by the division of tobacco use prevention and
26 control or the commission on tobacco use prevention and control
27 as required to administer and enforce the provisions of chapter
28 142A, Code 2020, in effect on the effective date of this
29 Act shall continue in full force and effect until amended,
30 repealed, or supplemented by affirmative action of the bureau
31 of tobacco use prevention and control.

32 2. Any moneys remaining in any account or fund under the
33 control of the division of tobacco use prevention and control
34 or the commission on tobacco use prevention and control on the
35 effective date of this Act shall be transferred to a comparable

1 fund or account under the control of the bureau of tobacco use
2 prevention and control for such purposes. Notwithstanding
3 section 8.33, the moneys transferred in accordance with this
4 subsection shall not revert to the account or fund from which
5 appropriated or transferred.

6 3. The division of tobacco use prevention and control or the
7 commission on tobacco use prevention and control shall assist
8 the department of public health in implementing this Act by
9 providing for an effective transition of powers and duties from
10 the respective division or commission to the bureau of tobacco
11 use prevention and control under chapter 142A and related
12 administrative rules. Such assistance shall include but is not
13 limited to assisting in cooperating with federal agencies.

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

18 5. An administrative hearing or court proceeding arising
19 out of an enforcement action under chapter 142A or related
20 administrative rules pending on the effective date of this
21 Act shall not be affected by this Act. Any cause of action
22 or statute of limitation relating to an action taken by
23 the division of tobacco use prevention and control or the
24 commission on tobacco use prevention and control shall not be
25 affected by this Act and such cause of action or statute of
26 limitation shall apply to the bureau of tobacco use prevention
27 and control.

28 EXPLANATION

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

31 This bill relates to organization, composition, meeting,
32 and reporting requirements of certain public health governing
33 entities.

34 TOBACCO USE PREVENTION AND CONTROL. The bill replaces
35 the division of tobacco use prevention and control of the

1 department of public health (division) with the bureau of
2 tobacco use prevention and control (bureau) and eliminates the
3 commission on tobacco use prevention and control (commission).
4 The bill transfers duties and control of the tobacco use
5 prevention and control initiative, community partnerships, and
6 youth programs previously administered by the division and the
7 commission to the bureau. The bill requires the division of
8 behavioral health of the department of public health to include
9 tobacco use as a subject of study in new or existing work
10 groups convened for the purpose of addressing substance abuse
11 in Iowa. The bill strikes a requirement that the bureau of
12 tobacco use prevention and control annually appear before the
13 joint appropriations subcommittee that makes recommendations
14 concerning the commission's budget to report on the budget
15 expenditures of the bureau.

16 The bill includes transition provisions regarding the
17 elimination of the division and the commission, and the
18 establishment of the bureau. Any rule, regulation, form,
19 order, or directive promulgated by the division or the
20 commission in effect on the effective date of the bill remains
21 in effect until it is amended, repealed, or supplemented by
22 affirmative action of the bureau. Moneys remaining in any
23 fund or account of the division or commission are transferred
24 to control of the bureau. The bill instructs the division
25 and commission to assist the department of public health in
26 implementing the provisions of the bill. An administrative
27 hearing or court proceeding initiated by or against the
28 division or the commission is unaffected by the bill, and any
29 cause of action or statute of limitation against the division
30 or commission applies against the bureau.

31 MENTAL HEALTH PLANNING AND ADVISORY COUNCIL. The bill
32 removes the requirement that one member of the mental health
33 and disability services commission be selected from nominees
34 submitted by the state's council of the association of federal,
35 state, county, and municipal employees. The bill limits the

1 number of meetings that may be held by the federally created
2 mental health planning and advisory council to no more than
3 four per year.

4 BOARD OF MEDICINE AND BOARD OF PHYSICIAN ASSISTANTS —
5 ANNUAL REPORT. The bill repeals the requirement that the board
6 of medicine and board of physician assistants submit an annual
7 report to the general assembly and the governor regarding
8 the collaborative efforts and team-building practices of the
9 boards.