

House File 2524 - Introduced

HOUSE FILE 2524
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HF 2283)

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, Code 2020, is amended by adding the
4 following new subsection:

5 NEW SUBSECTION. 1A. "*Bureau*" means the bureau of tobacco
6 use prevention and control of the Iowa department of public
7 health, established pursuant to this chapter.

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

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

16 Sec. 4. Section 142A.4, subsection 19, Code 2020, is amended
17 to read as follows:

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

23 Sec. 5. Section 142A.5, Code 2020, is amended to read as
24 follows:

25 **142A.5 Director and administrator duties.**

26 ~~1.~~ The director shall do all of the following:

27 ~~a.~~ 1. Establish and maintain the division bureau of tobacco
28 use prevention and control.

29 ~~b.~~ ~~Employ a separate division administrator, in accordance~~
30 ~~with the requirements of [section 142A.4, subsection 14](#), in a~~
31 ~~full-time equivalent position whose sole responsibility and~~
32 ~~duty shall be the administration and oversight of the division.~~
33 ~~The division administrator shall report to and shall serve~~
34 ~~at the pleasure of the director. The administrator shall~~
35 ~~be exempt from the merit system provisions of chapter 8A,~~

1 ~~subchapter IV.~~

2 ~~e.~~ 2. Coordinate all tobacco use prevention and control
3 programs and activities under the purview of the department.

4 ~~d.~~ 3. Receive and review budget recommendations from the
5 commission. The director shall consider these recommendations
6 in developing the budget request for the department.

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

8 ~~a.~~ 4. Implement the initiative, coordinate the activities
9 of the commission and the initiative, and coordinate other
10 tobacco use prevention and control activities ~~as assigned by~~
11 ~~the director.~~

12 ~~b.~~ 5. Monitor and evaluate the effectiveness of performance
13 measures.

14 ~~e.~~ 6. Provide staff and administrative support to the
15 commission.

16 ~~d.~~ 7. Administer contracts entered into under [this chapter](#).

17 ~~e.~~ 8. Coordinate and cooperate with other tobacco use
18 prevention and control programs within and outside of the
19 state.

20 ~~f.~~ 9. Provide necessary information to the commission
21 to assist the commission in making its annual report to the
22 joint appropriations subcommittee pursuant to section 142A.4,
23 subsection 13, and in fulfilling other commission duties
24 pursuant to [section 142A.4](#).

25 Sec. 6. Section 142A.6, subsections 1 and 4, Code 2020, are
26 amended to read as follows:

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

30 4. The ~~division~~ bureau shall implement the initiative
31 in a manner that ensures that youth are extensively involved
32 in the decision making for the programs implemented under
33 the initiative. The initiative shall also involve parents,
34 schools, and community members in activities to achieve the
35 results desired for the initiative. The ~~division~~ bureau

1 shall encourage collaboration at the state and local levels
2 to maximize available resources and to provide flexibility to
3 support community efforts.

4 Sec. 7. Section 225C.5, subsection 1, paragraph g, Code
5 2020, is amended by striking the paragraph.

6 Sec. 8. NEW SECTION. **225C.22 Mental health planning and**
7 **advisory council — meetings.**

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

11 Sec. 9. REPEAL. Section 148C.12, Code 2020, is repealed.

12 Sec. 10. **SUBSTANCE ABUSE WORK GROUP — TOBACCO.** The
13 division of behavioral health of the department of public
14 health shall include tobacco use as a subject of study in new
15 or existing work groups convened for the purpose of addressing
16 substance abuse in Iowa.

17 Sec. 11. **TRANSITION PROVISIONS.**

18 1. Any rule, regulation, form, order, or directive
19 promulgated by the division of tobacco use prevention and
20 control as required to administer and enforce the provisions
21 of chapter 142A, Code 2020, in effect on the effective date of
22 this Act shall continue in full force and effect until amended,
23 repealed, or supplemented by affirmative action of the bureau
24 of tobacco use prevention and control.

25 2. Any moneys remaining in any account or fund under the
26 control of the division of tobacco use prevention and control
27 on the effective date of this Act shall be transferred to a
28 comparable fund or account under the control of the bureau
29 of tobacco use prevention and control for such purposes.
30 Notwithstanding section 8.33, the moneys transferred in
31 accordance with this subsection shall not revert to the account
32 or fund from which appropriated or transferred.

33 3. The division of tobacco use prevention and control shall
34 assist the department of public health in implementing this
35 Act by providing for an effective transition of powers and

1 duties from the respective division to the bureau of tobacco
2 use prevention and control under chapter 142A and related
3 administrative rules. Such assistance shall include but is not
4 limited to assisting in cooperating with federal agencies.

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

9 5. An administrative hearing or court proceeding arising
10 out of an enforcement action under chapter 142A or related
11 administrative rules pending on the effective date of this
12 Act shall not be affected by this Act. Any cause of action
13 or statute of limitation relating to an action taken by the
14 division of tobacco use prevention and control shall not be
15 affected by this Act and such cause of action or statute of
16 limitation shall apply to the bureau of tobacco use prevention
17 and control.

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 organization, composition, meeting,
22 and reporting requirements of certain public health governing
23 entities.

24 TOBACCO USE PREVENTION AND CONTROL. The bill replaces
25 the division of tobacco use prevention and control of the
26 department of public health (division) with the bureau
27 of tobacco use prevention and control (bureau). The bill
28 transfers duties and control of the tobacco use prevention and
29 control initiative, previously administered by the division,
30 to the bureau. The bill requires the division of behavioral
31 health of the department of public health to include tobacco
32 use as a subject of study in new or existing work groups
33 convened for the purpose of addressing substance abuse in
34 Iowa. The bill strikes a requirement that the bureau of
35 tobacco use prevention and control annually appear before the

1 joint appropriations subcommittee that makes recommendations
2 concerning the commission's budget to report on the budget
3 expenditures of the bureau.

4 The bill includes transition provisions regarding the
5 elimination of the division, and the establishment of the
6 bureau. Any rule, regulation, form, order, or directive
7 promulgated by the division in effect on the effective
8 date of the bill remains in effect until it is amended,
9 repealed, or supplemented by affirmative action of the bureau.
10 Moneys remaining in any fund or account of the division are
11 transferred to control of the bureau. The bill instructs
12 the division to assist the department of public health in
13 implementing the provisions of the bill. An administrative
14 hearing or court proceeding initiated by or against the
15 division is unaffected by the bill, and any cause of action or
16 statute of limitation against the division applies against the
17 bureau.

18 MENTAL HEALTH PLANNING AND ADVISORY COUNCIL. The bill
19 removes the requirement that one member of the mental health
20 and disability services commission be selected from nominees
21 submitted by the state's council of the association of federal,
22 state, county, and municipal employees. The bill limits the
23 number of meetings that may be held by the federally created
24 mental health planning and advisory council to no more than
25 four per year.

26 BOARD OF MEDICINE AND BOARD OF PHYSICIAN ASSISTANTS —
27 ANNUAL REPORT. The bill repeals the requirement that the board
28 of medicine and board of physician assistants submit an annual
29 report to the general assembly and the governor regarding
30 the collaborative efforts and team-building practices of the
31 boards.