

Senate File 2367 - Introduced

SENATE FILE 2367
BY COMMITTEE ON HEALTH AND HUMAN
SERVICES

(SUCCESSOR TO SSB 3139)

A BILL FOR

1 An Act relating to health-related matters, including
2 health-related professions, certificates of need, and
3 nutrition, and including applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

CONTINUING EDUCATION REQUIREMENTS — NUTRITION AND METABOLIC HEALTH

Section 1. Section 148.3, Code 2026, is amended by adding the following new subsection:

NEW SUBSECTION. 5. The board shall adopt rules pursuant to chapter 17A requiring a licensee practicing family medicine, internal medicine, pediatrics, psychiatry, endocrinology, gastroenterology, cardiology, oncology, rheumatology, neurology, nephrology, dermatology, pulmonology, surgery, immunology, hematology, obstetrics, or gynecology to complete a minimum of one hour of continuing education on nutrition and metabolic health every four years as a condition of license renewal.

Sec. 2. Section 148C.3, subsection 1, paragraph c, Code 2026, is amended to read as follows:

c. Hours of continuing medical education necessary to become or remain licensed. The board shall adopt rules pursuant to chapter 17A requiring a licensee practicing family medicine, internal medicine, pediatrics, psychiatry, endocrinology, gastroenterology, cardiology, oncology, rheumatology, neurology, nephrology, dermatology, pulmonology, surgery, immunology, hematology, obstetrics, or gynecology to complete a minimum of one hour of continuing education on nutrition and metabolic health every four years as a condition of license renewal.

DIVISION II

CERTIFICATE OF NEED

Sec. 3. Section 135.61, subsection 16, paragraphs e, g, i, and k, Code 2026, are amended by striking the paragraphs.

Sec. 4. Section 135.61, subsection 16, paragraph m, subparagraphs (2) and (3), Code 2026, are amended by striking the subparagraphs.

Sec. 5. Section 135.62, subsection 2, paragraph a, Code 2026, is amended to read as follows:

a. Private offices and private clinics of an individual physician, dentist, or other practitioner or group of health care

1 providers, except as provided by section 135.61, subsection 16,
2 paragraphs "g", "h", and "m", and section 135.61, subsections 2
3 and 18.

4 Sec. 6. Section 135.62, subsection 2, paragraph e,
5 subparagraph (2), Code 2026, is amended to read as follows:

6 (2) Acquires major medical equipment as provided by section
7 135.61, subsection 16, ~~paragraphs "i" and~~ paragraph "j".

8 Sec. 7. Section 135.62, subsection 2, paragraph g,
9 subparagraph (1), unnumbered paragraph 1, Code 2026, is amended
10 to read as follows:

11 A reduction in bed capacity of an institutional health
12 facility, notwithstanding any provision in this subchapter to
13 the contrary, except where a provision expressly exempts such a
14 reduction, if all of the following conditions exist:

15 Sec. 8. Section 135.62, subsection 2, paragraph k,
16 subparagraph (1), unnumbered paragraph 1, Code 2026, is amended
17 to read as follows:

18 The redistribution of beds by a hospital within the acute
19 care category of bed usage, notwithstanding any provision in this
20 subchapter to the contrary, except where a provision expressly
21 exempts such a redistribution of skilled nursing facility or
22 swing beds by a hospital, if all of the following conditions
23 exist:

24 Sec. 9. Section 135.62, subsection 2, paragraph p, Code 2026,
25 is amended by striking the paragraph.

26 Sec. 10. Section 135.62, subsection 2, Code 2026, is amended
27 by adding the following new paragraphs:

28 NEW PARAGRAPH. r. An outpatient facility that provides
29 behavioral health services, as defined by rule by the department,
30 to individuals on an outpatient basis, including but not limited
31 to substitution-based treatment centers for opiate addiction.

32 NEW PARAGRAPH. s. Open heart surgical services.

33 NEW PARAGRAPH. t. Organ transplantation services.

34 NEW PARAGRAPH. u. Notwithstanding any provision of this
35 subchapter to the contrary, any acquisition whether acquired by

1 purchase, lease, or donation by or on behalf of a health care
2 provider or a group of health care providers of any piece of
3 replacement equipment with a value in excess of one million five
4 hundred thousand dollars.

5 NEW PARAGRAPH. v. Notwithstanding any provision of this
6 subchapter to the contrary, any acquisition whether acquired by
7 purchase, lease, or donation by or on behalf of an institutional
8 health facility or a health maintenance organization of any piece
9 of replacement equipment with a value in excess of one million
10 five hundred thousand dollars.

11 NEW PARAGRAPH. w. Any air transportation service for
12 transportation of patients or medical personnel offered through
13 an institutional health facility.

14 NEW PARAGRAPH. x. Notwithstanding any provision of this
15 subchapter to the contrary, bed capacity changes by an
16 institutional health facility that constitute a permanent change
17 or reduction in, or a redistribution, deletion, or conversion of,
18 nursing facility beds, skilled nursing facility beds, or swing
19 beds.

20 NEW PARAGRAPH. y. Notwithstanding any provision of this
21 subchapter to the contrary, bed capacity changes that constitute
22 a permanent change or reduction in, or a redistribution,
23 deletion, or conversion of, beds in intermediate care facilities
24 for persons with mental illness, or intermediate care facilities
25 for persons with an intellectual disability.

26 Sec. 11. Section 135.62, subsection 4, Code 2026, is amended
27 to read as follows:

28 4. The department shall not process applications for an
29 intermediate care facility for persons with an intellectual
30 disability, or consider a new or changed institutional health
31 service for an intermediate care facility for persons with an
32 intellectual disability, ~~unless both of the following conditions~~
33 ~~are met:~~

34 ~~α. The new or changed beds shall not result in an increase~~
35 ~~in the total number of medical assistance certified intermediate~~

1 ~~care facility beds for persons with an intellectual disability in~~
2 ~~the state, exclusive of those beds at the state resource centers~~
3 ~~or other state institutions, beyond one thousand six hundred~~
4 ~~thirty-six beds.~~

5 ~~b.~~ A a letter of support for the application is provided by
6 the county board of supervisors, or the board's designee, in the
7 county in which the ~~beds~~ facility is or would be located.

8 Sec. 12. Section 135.65, subsection 3, paragraph b, Code
9 2026, is amended to read as follows:

10 b. A period for the submission of written public hearing
11 comments from affected persons on the application, to be held
12 scheduled prior to completion of the evaluation required by
13 paragraph "a".

14 Sec. 13. Section 135.65, subsection 4, Code 2026, is amended
15 by striking the subsection.

16 Sec. 14. Section 135.70, subsection 2, Code 2026, is amended
17 to read as follows:

18 2. Upon expiration of a certificate of need, and prior to
19 extension of the certificate of need, any affected person shall
20 have the right to submit to the department information which
21 may be relevant to the question of granting an extension. ~~The~~
22 ~~department may call a public hearing for this purpose.~~

23 DIVISION III

24 SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM — SUMMER ELECTRONIC
25 BENEFITS TRANSFER FOR CHILDREN PROGRAM

26 Sec. 15. Section 234.1, Code 2026, is amended by adding the
27 following new subsection:

28 NEW SUBSECTION. 4A. "Summer electronic benefits transfer for
29 children program" or "summer EBT program" means the summer
30 electronic benefits transfer for children program established in
31 42 U.S.C. §1762.

32 Sec. 16. NEW SECTION. **234.12B Supplemental nutrition**
33 **assistance program — summer electronic benefits transfer for**
34 **children program.**

35 1. The department shall do all of the following:

1 a. Continuously maintain state participation in SNAP by
2 administering the program in accordance with guidelines approved
3 by the United States department of agriculture, food and
4 nutrition service, that specify that eligible foods pursuant to
5 7 C.F.R. §271.2 are healthy foods as defined by the director or
6 the director's designee.

7 b. Ensure that the provision of SNAP benefits to recipients
8 is uninterrupted.

9 2. The department may participate in the summer EBT program
10 subject to federally approved eligible foods for the summer EBT
11 program being consistent with eligible foods as described in
12 subsection 1, paragraph "a".

13 DIVISION IV

14 SCHOOL FOODS AND BEVERAGES

15 Sec. 17. Section 256E.7, subsection 2, Code 2026, is amended
16 by adding the following new paragraph:

17 NEW PARAGRAPH. *0t.* Be subject to and comply with the
18 requirements of section 283A.6 relating to the preparation of
19 meals provided to students, and prohibited ingredients in meals
20 provided to students, in the same manner as a school district, if
21 the charter school provides a breakfast or lunch program through
22 the national school lunch program or the school breakfast program
23 administered by the food and nutrition service of the United
24 States department of agriculture.

25 Sec. 18. Section 256F.4, subsection 2, Code 2026, is amended
26 by adding the following new paragraph:

27 NEW PARAGRAPH. *v.* Be subject to and comply with the
28 requirements of section 283A.6 relating to the preparation of
29 meals provided to students, and prohibited ingredients in meals
30 provided to students, in the same manner as a school district, if
31 the charter school or innovation zone school provides a breakfast
32 or lunch program.

33 Sec. 19. NEW SECTION. **283A.6 School district breakfast and**
34 **lunch programs — food and beverages provided to students —**
35 **prohibited ingredients.**

1 1. a. A school district shall not serve a meal to students
2 as part of the school district's breakfast or lunch program that
3 contains any of the following ingredients:

- 4 (1) Blue dye 1.
- 5 (2) Blue dye 2.
- 6 (3) Green dye 3.
- 7 (4) Potassium bromate.
- 8 (5) Propylparaben.
- 9 (6) Red dye 40.
- 10 (7) Yellow dye 5.
- 11 (8) Yellow dye 6.

12 b. Paragraph "a" does not apply to food and beverages
13 received as part of a direct delivery from the foods in schools
14 program of the United States department of agriculture.

15 2. An employee or contracted vendor of a school district
16 shall not provide any food or beverages that contain an
17 ingredient described in subsection 1 to a student enrolled in the
18 school district during the school day.

19 3. A school district shall not permit the sale to students
20 of any foods or beverages that contain an ingredient described in
21 subsection 1 on the school campus, as school campus is defined
22 in 7 C.F.R. §210.11 as of January 1, 2026, unless the sale takes
23 place outside of the school day, as school day is defined in 7
24 C.F.R. §210.11 as of January 1, 2026.

25 Sec. 20. Section 283A.10, Code 2026, is amended to read as
26 follows:

27 **283A.10 School breakfast or lunch in nonpublic schools.**

28 The authorities in charge of nonpublic schools may operate
29 or provide for the operation of school breakfast or lunch
30 programs in schools under their jurisdiction and may use funds
31 appropriated to them by the general assembly, gifts, funds
32 received from sale of school breakfasts or lunches under such
33 programs, and any other funds available to the nonpublic school.
34 However, school breakfast or lunch programs shall not be required
35 in nonpublic schools. The department of education shall direct

1 the disbursement of state funds to nonpublic schools for school
2 breakfast or lunch programs in the same manner as state funds
3 are disbursed to public schools. If a nonpublic school receives
4 state funds for the operation of a school breakfast or lunch
5 program, meals served under the program shall be nutritionally
6 adequate meals, as defined in section 283A.1, and shall comply
7 with the requirements of section 283A.6.

8 Sec. 21. APPLICABILITY. This division of this Act applies to
9 school years beginning on or after July 1, 2027.

10 EXPLANATION

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

13 This bill relates to the regulation of health-related matters,
14 including health-related professions, certificates of need, and
15 nutrition. The bill is organized in divisions.

16 DIVISION I — CONTINUING EDUCATION REQUIREMENTS — NUTRITION
17 AND METABOLIC HEALTH. The bill requires the board of medicine
18 and the board of physician assistants to adopt rules requiring
19 certain licensees to receive continuing education credits
20 regarding nutritional and metabolic health as a condition of
21 license renewal.

22 DIVISION II — CERTIFICATE OF NEED. The bill changes the
23 definition of "new institutional health service" or "changed
24 institutional health service". The bill alters the list of
25 items that are excluded from the provisions of Code chapter
26 135 (department of health and human services — public health),
27 subchapter VI (health facilities). The bill strikes a provision
28 restricting the department of health and human services (HHS)
29 from processing applications for an intermediate care facility
30 for persons with an intellectual disability, or considering a new
31 or changed institutional health service for an intermediate care
32 facility for persons with an intellectual disability, unless the
33 new or changed beds shall not result in an increase in the total
34 number of medical assistance certified intermediate care facility
35 beds for persons with an intellectual disability in the state,

1 exclusive of those beds at the state resource centers or other
2 state institutions, beyond 1,636 beds.

3 The bill replaces a requirement that HHS hold a public hearing
4 on an application for a certificate of need with a requirement
5 that the department provide a period for the submission of
6 written comments from affected persons. The bill strikes an
7 authorization for the department to call a public hearing on
8 the question of whether to grant an extension for an expiring
9 certificate of need.

10 DIVISION III — SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM —
11 SUMMER ELECTRONIC BENEFITS TRANSFER FOR CHILDREN PROGRAM. The
12 bill requires HHS to continuously maintain state participation
13 in the federal supplemental nutrition assistance program (SNAP)
14 by administering the program in accordance with guidelines
15 approved by the United States department of agriculture, food
16 and nutrition service, to define "eligible foods" as "healthy
17 foods", as that term is defined by the department, and to
18 seek any federal approval necessary to ensure that provision of
19 benefits is continuous. The bill requires HHS to ensure that the
20 provision of SNAP benefits to recipients is uninterrupted.

21 The bill also allows HHS to participate in the summer
22 electronic benefits transfer for children program, subject to
23 federal approval of guidelines for eligible foods under the
24 program that are similar to the guidelines for eligible foods
25 under SNAP.

26 DIVISION IV — SCHOOL FOODS AND BEVERAGES. The bill prohibits
27 school districts, certain charter schools, and innovation zone
28 schools from serving meals to students as part of the school's
29 breakfast or lunch program that contain blue dye 1, blue dye
30 2, green dye 3, potassium bromate, propylparaben, red dye 40,
31 yellow dye 5, or yellow dye 6, unless the foods or beverages
32 in the meal were received as part of a direct delivery from
33 the foods in schools program of the United States department of
34 agriculture. The bill also prohibits schools from permitting the
35 sale to students of any foods or beverages that contain such

1 ingredients on school campus unless the sale takes place after
2 the end of the school day. The bill requires nonpublic schools
3 that use moneys appropriated by the general assembly to provide
4 breakfast or lunch to students to ensure that the meals comply
5 with the same prohibition on ingredients as school districts.

6 This division of the bill applies to school years beginning on
7 or after July 1, 2027.

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