

**EIGHTY-EIGHTH GENERAL ASSEMBLY
2020 REGULAR SESSION
DAILY
SENATE CLIP SHEET**

February 19, 2020

Clip Sheet Summary

Displays all amendments, fiscal notes, and conference committee reports for previous day.

Bill	Amendment	Action	Sponsor
SF 155	S-5007	Filed	ZACH WHITING

Fiscal Notes

[SF 2224](#) — [School Grounds Firearms](#) (LSB1651SZ)

[SF 2268](#) — [Tobacco and Vaping, Minimum Age](#) (LSB5507SV)

[SF 2273](#) — [Prohibition of Synthetic Urine, Misuse of Urine in Drug Testing](#) (LSB5169SV)

SENATE FILE 155

S-5007

1 Amend the amendment, S-5006, to Senate File 155 as follows:

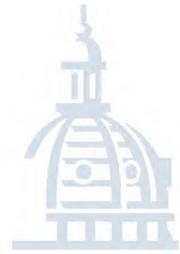
2 1. Page 1, line 8, by striking <barbering.>> and inserting
3 <barbering.

4 Sec. ____ . EFFECTIVE DATE. This Act, being deemed of
5 immediate importance, takes effect upon enactment.>>

6 2. Title page, line 2, after <locations> by inserting <, and
7 including effective date provisions>

By ZACH WHITING

S-5007 FILED FEBRUARY 18, 2020



[SF 2224](#) – School Grounds Firearms (LSB1651SZ)
Staff Contact: Christin Mechler (515.250.0458) christin.mechler@legis.iowa.gov
Fiscal Note Version – New

Description

[Senate File 2224](#) relates to being armed with, carrying, or transporting a firearm when transporting a person to or from a school, or delivering an item to or from school. The Bill provides that a person with a valid nonprofessional permit to carry weapons may go armed with, carry, or transport a firearm on school grounds when the person is on school grounds for the purpose of transporting another person or delivering an item to or from school, as long as the person remains in the school parking area or school driveway designed for a motor vehicle.

[Senate File 2224](#) also provides that a school shall be immune from any claim, cause of action, or lawsuit filed by an individual seeking relief from damages that are alleged, directly or indirectly, as a result of any concealed pistol or revolver brought onto the school district property. Additionally, schools governed by the Board of Regents are specifically excluded from the provisions of this Bill.

Background

[Senate File 2224](#) establishes an exception to Iowa Code section [724.4B](#), which establishes a penalty for carrying firearms on school grounds. Under current law, a person who goes armed with, carries, or transports a firearm of any kind, concealed or not, on the grounds of a school commits a Class D felony. A Class D felony is punishable by confinement for no more than five years and a fine of at least \$750, but not more than \$7,500.

In FY 2019, there were a total of four convictions for carrying a weapon on school grounds.

Assumptions

- It is assumed insurance companies, in conjunction with an individual school or school district, will evaluate the need to update existing individual school or school district insurance policies for any potential increase in claims related to the exception for being armed with, carrying, or transporting firearms on specific areas of school grounds.
- Providing an exception for carrying firearms on limited school grounds is assumed to increase liability and risk coverage for individual school or school district insurance policies.

Correctional Impact

The correctional impact of [SF 2224](#) cannot be determined. The Bill creates an exception to an existing offense, and sufficient information is not available to estimate the number of convictions that will specifically be affected by this exception.

Fiscal Impact

The fiscal impact of [SF 2224](#) cannot be determined. Although the State is not expected to incur a fiscal impact, local schools and school districts may incur an increase in insurance coverage costs after initial policy implementation. Any insurance rate increases are expected to be paid out of the School District Management Fund, which is solely funded by local property taxes. An increase in insurance rates will likely result in an increase in property taxes, but any potential fiscal impact cannot be determined at this time.

Additionally, individual schools and school districts may experience an increase in operational costs to accommodate changes in school safety and associated local school board policies, but this increase is expected to be minimal.

Sources

Legislative Services Agency
Department of Education
Iowa Association of School Boards
Criminal and Juvenile Justice Planning Division, Department of Human Rights

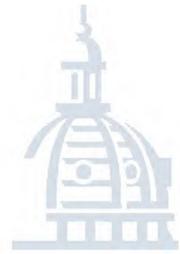
/s/ Holly M. Lyons

February 17, 2020

Doc ID 1130447

The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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[SF 2268](#) – Tobacco and Vaping, Minimum Age (LSB5507SV)
Staff Contact: Kenneth Ohms (515.725.2200) kenneth.ohms@legis.iowa.gov
Fiscal Note Version – New

Description

[Senate File 2268](#) changes the legal age for purchasing and using any cigarette, tobacco, tobacco products, alternative nicotine products, and vapor products from 18 to 21 years of age.

Background

The federal Further Consolidated Appropriations Act for FFY 2020 (Public Law No. 116-94), passed in December 2019, changed the minimum age for smoking from 18 to 21 years of age under federal law. Therefore, this fiscal estimate could be treated as the estimated impact of the federal law on Iowa tax revenue, assuming that Iowa would enforce the federal law, and that retailers were complying with federal law by January 1, 2020.

Furthermore, this estimate addresses only the primary fiscal impact of this law associated with reducing smoking by individuals between the ages of 18 and 21. Secondary impacts such as lowering the likelihood of those smoking after turning 21, decreased sales to individuals through illegal purchases, or these consumers spending their money on something else that is subject to the sales and use tax are not included in the methodology or impacts.

Iowa cigarette and tobacco tax revenue is deposited in the Health Care Trust Fund (HCTF). Cigarettes, tobacco, tobacco products, alternative nicotine products, and vapor products are subject to the sales tax, which is deposited in the General Fund and the Secure an Advanced Vision for Education (SAVE) Fund, and distributed to local governments via the Local Option Sales Tax (LOST).

Assumptions

Cigarette and Tobacco Taxes

- Consumption by Iowa adults from the age of 18 through 20 is estimated to be 4.9% of all cigarettes purchased. It is further assumed that all other tobacco and tobacco products are consumed at this same rate for this age cohort.
- The five-year forecast of cigarette and tobacco receipts revenue completed by the Department of Revenue in December 2019 is used as the baseline of cigarette and tobacco sales.

Cigarettes and Tobacco Products — Sales Tax Impact

- The cigarette and tobacco tax on a pack of cigarettes is \$1.36. Based on the estimated impact on cigarette and tobacco taxes, the estimated number of cigarette packs sold will decrease by 3.3 million in FY 2020 and 6.6 million in FY 2021 and each year thereafter.
- The average price of a cigarette pack is \$5.83, which is estimated to grow with the rate of inflation.

Alternative Nicotine Products and Vapor Products — Sales Tax Impact

- National sales on vaping products in 2018 totaled \$3.6 billion.
- Since [Iowa's Population](#) is approximately 1.0% of the national population, it is assumed that portion of sales was to Iowa consumers.
- Consumption by Iowa adults from the age of 18 through 20 is estimated to be 7.5% of all vaping products purchased.
- Annual growth rate of vaping product sales will be 8.3%.

Enforcement Assumptions

- The Alcoholic Beverages Division (ABD) will need to update current online retailer training materials.

Fiscal Impact

The fiscal impact across funds is presented in the following table.

Estimated Revenue Change				
In Millions				
Fiscal Year	HCTF	General Fund	SAVE Fund	LOST
2020	\$ -5.0	\$ -1.2	\$ -0.2	\$ -0.2
2021	-10.0	-2.4	-0.5	-0.5
2022	-10.0	-2.5	-0.5	-0.5
2023	-9.9	-2.5	-0.5	-0.5
2024	-9.8	-2.5	-0.5	-0.5

A decrease in revenue to the HCTF will decrease total funds available for the Medicaid Program. This would then require an increase in the General Fund appropriation to Medicaid by that same amount to meet the [Medicaid Forecasting Group](#) estimate.

The costs for the ABD to update online retailer training will range from \$19,000 to \$50,000. Other associated costs with personnel time and other application changes are estimated to be minimal.

Sources

Department of Revenue
Department of Commerce, Alcoholic Beverages Division
LSA Analysis and Calculations

/s/ Holly M. Lyons

February 18, 2020

Doc ID 1130433

The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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[SF 2273](#) – Prohibition of Synthetic Urine, Misuse of Urine in Drug Testing (LSB5169SV)
Staff Contact: Laura Book (515.205.9275) laura.book@legis.iowa.gov
Fiscal Note Version – New

Description

[Senate File 2273](#) creates the criminal offense of defrauding a drug or alcohol test. The Bill prohibits a person from:

- Manufacturing, marketing, selling, distributing, using, or possessing synthetic urine or a urine additive for the purpose of defrauding a drug or alcohol test
- Knowingly using a person's own urine expelled or withdrawn prior to the collection
- Knowingly using the urine of another person for the purpose of defrauding a drug or alcohol test

A person who violates the Bill commits a simple misdemeanor for a first offense and a serious misdemeanor for all subsequent offenses. The Bill allows a person who collects a urine sample from another person for a drug or alcohol test, having knowledge or a reasonable suspicion that the other person has used synthetic urine or a urine additive in violation of the Bill, to report such information to law enforcement authorities. The Bill applies to both public and private sector workplaces.

Background

A simple misdemeanor is punishable by confinement for no more than 30 days or a fine of at least \$65 but not more than \$625 or by both. A serious misdemeanor is punishable by confinement for no more than one year and a fine of at least \$315 but not more than \$1,875.

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner length of stay (LOS); revocation rates; plea bargaining; and other criminal justice system policies and practices.
- A lag effect of six months is assumed from the effective date of this Bill to the date of first entry of affected offenders into the correctional system.
- Marginal costs for county jails cannot be estimated due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$50 per day.

Correctional Impact

The correctional impact of [SF 2273](#) cannot be estimated. The Bill establishes a new criminal offense, and the number of convictions cannot be estimated.

Table 1 below shows estimates for sentencing to State prison, parole, probation, or Community-Based Corrections (CBC) residential facilities; LOS under those supervisions; and supervision marginal costs per day for all convictions of serious misdemeanors. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 16, 2020, for information related to the correctional system.

Table 1 — Sentencing Estimates

Conviction Offense Class	Percent to Prison	FY 19 Avg Length of Stay Prison (months)	FY 19 Marginal Cost/Day Prison	FY 19 Avg Length of Stay Parole (months)	FY19 Marginal Cost/Day Parole	Percent to Probation	FY 19 Avg Length of Stay Probation (months)	FY 19 Avg Cost/Day Probation	Percent to CBC Residential Facility	FY 19 CBC Marginal Cost/Day	Percent to County Jail	Avg Length of Stay in County Jail	Marginal Cost/Day
Serious Misdemeanor	2%	5	\$20.38	2.4	\$6.12	56%	13.4	\$6.12	1%	\$12.58	69%	N/A	\$50.00

Minority Impact

[Senate File 2273](#) establishes a new criminal offense, and a minority impact cannot be estimated due to a lack of data. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 15, 2020, for information related to minorities in the criminal justice system.

Fiscal Impact

The fiscal impact of [SF 2273](#) cannot be estimated due to the lack of data regarding convictions. **Table 2** contains cost estimates for the average State cost per offense class type for one simple misdemeanor or serious misdemeanor conviction. The cost estimate includes operating costs incurred by the Judicial Branch, the State Public Defender, and the DOC for one conviction. The cost would be incurred across multiple fiscal years for prison and parole supervision.

Table 2 — Average State Cost per Offense Class Type

Offense Class	Total Minimum Cost	Total Maximum Cost
Simple Misdemeanor	\$40	\$350
Serious Misdemeanor	\$410	\$4,900

The new offense established by [SF 2273](#) may also result in an increase in fine and surcharge revenue, but the impact is unknown.

Sources

Criminal and Juvenile Justice Planning Division, Department of Human Rights

/s/ Holly M. Lyons

February 18, 2020

Doc ID 1130622

The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.
