

(b) Section 172C.7, subsection 2, by striking the subsection.

c. If the federal government implements a statute or regulation that is substantially similar to or more stringent than purchase reporting requirements and penalties as described in paragraph "a" and purchase notice requirements and penalties as described in paragraph "b", section 172C.5, subsection 2, is amended by striking the subsection.

2. Paragraph "a", "b", or "c", as provided in subsection 1, shall become applicable only upon a finding by the secretary of agriculture that the federal government has implemented a statute or regulation as provided in that specific paragraph in accordance with an order issued by the secretary of agriculture and filed with the secretary of state. The secretary of agriculture shall issue an order only after consulting with the attorney general.

3. The secretary of agriculture shall forward a copy of an order issued under this section to all of the following:

- a. The governor.
- b. The secretary of the senate and the chief clerk of the house of representatives.
- c. The attorney general.
- d. The Code editor and the administrative code editor.

4. The Code editor may recommend that any provision of chapter 172C, as enacted in this Act, be amended or eliminated in a Code editor's bill as necessary in order to conform the provisions of the chapter as provided in this section.

Sec. 12. RULEMAKING. The department of agriculture and land stewardship shall commence rulemaking as required in section 172C.5, as enacted in this Act, as soon as practicable upon the enactment of this Act. However, rules adopted by the department shall not be made effective prior to July 1, 2000, for a provision of this Act that takes effect on that date.

Sec. 13. EFFECTIVE DATES.

1. Except as provided in subsection 2, this Act takes effect on July 1, 2000.

2. Section 172C.4, section 172C.6, subsection 2, section 172C.7, subsection 3, section 714.8, subsection 17, section 12, and this section as enacted by this Act, being deemed of immediate importance, take effect upon enactment.

Approved April 29, 1999

CHAPTER 89

MANUFACTURE OF CONTROLLED SUBSTANCE — PERSONAL USE

H.F. 165

AN ACT including the preparation or compounding of a controlled substance for one's own use within the definition of manufacturing a controlled substance, and providing an effective date.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 124.101, subsection 16, unnumbered paragraph 1, Code 1999, is amended to read as follows:

"Manufacture" means the production, preparation, propagation, compounding, conversion, or processing of a controlled substance, either directly or by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of

extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include ~~the preparation or compounding of a controlled substance by an individual for the individual's own use, or the preparation, compounding, packaging, or labeling of a controlled substance:~~

Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 29, 1999

CHAPTER 90

BUSINESS OPPORTUNITY PROMOTIONS — EXCLUDED TRANSACTIONS

H.F. 210

AN ACT relating to the exclusion of certain transactions under the business opportunities law and providing effective and retroactive applicability dates.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 523B.1, subsection 3, Code 1999, is amended to read as follows:

3. a. "Business opportunity" means a contract or agreement, between a seller and purchaser, express or implied, orally or in writing, at an initial investment exceeding five hundred dollars, where the parties agree that the seller or a person recommended by the seller is to provide to the purchaser any products, equipment, supplies, materials, or services for the purpose of enabling the purchaser to start a business, and the seller represents, directly or indirectly, orally or in writing, any of the following:

~~a.~~ (1) The seller or a person recommended by the seller will provide locations or assist the purchaser in finding locations for the use or operation of vending machines, racks, display cases, or other similar devices, on premises which are not owned or leased by the purchaser or seller.

~~b.~~ (2) The seller or a person recommended by the seller will provide or assist the purchaser in finding outlets or accounts for the purchaser's products or services.

~~c.~~ (3) The seller or a person specified by the seller will purchase any or all products made, produced, fabricated, grown, bred, or modified by the purchaser.

~~d.~~ (4) The purchaser will derive income from the business which exceeds the price paid to the seller.

~~e.~~ (5) The seller will refund all or part of the price paid to the seller, or repurchase any of the products, equipment, or supplies provided by the seller or a person recommended by the seller, if the purchaser is dissatisfied with the business.

~~f.~~ (6) The seller will provide a marketing plan.

b. "Business opportunity" does not include any of the following:

(1) An offer or sale of an ongoing business operated by the seller which is to be sold in its entirety.

(2) An offer or sale of a business opportunity to an ongoing business where the seller will provide products, equipment, supplies, or services which are substantially similar to the products, equipment, supplies, or services sold by the purchaser in connection with the purchaser's ongoing business.

(3) An offer or sale of a business opportunity which involves a marketing plan made in conjunction with the licensing of a federally registered trademark or federally registered