

Sec. 4. NEW SECTION. 479A.28 FARMLAND IMPROVEMENTS.

A landowner or contractor may require a representative of the pipeline company to be present on-site, at no charge to the landowner, at all times during each phase and separate activity related to a farmland improvement within fifty feet of either side of a pipeline. If the pipeline company and the landowner or contractor constructing the farmland improvement mutually agree that a representative of the pipeline company is not required to be present, the requirements of this section are waived in relation to the farmland improvement which would have otherwise made the requirements of this section applicable. A farmland improvement includes, but is not limited to, the terracing of farmland and tiling.

Sec. 5. Section 479B.32, subsection 5, Code Supplement 1999, is amended to read as follows:

5. If Unless otherwise agreed to in writing by the landowner and the pipeline company, if a pipeline right-of-way is abandoned for pipeline use, but the pipe is not removed from the right-of-way, the pipeline company shall remain subject to section 479B.33, shall remain responsible for the additional costs of subsequent tiling as provided for in section 479B.31, shall mark the location of the line in response to a notice of proposed excavation in accordance with chapter 480, and shall remain subject to the damage provisions of this chapter in the event access to or excavation relating to the pipe is required. The landowner shall provide reasonable access to the pipeline in order to carry out the responsibilities of this subsection.

Sec. 6. NEW SECTION. 479B.33 FARMLAND IMPROVEMENTS.

A landowner or contractor may require a representative of the pipeline company to be present on-site, at no charge to the landowner, at all times during each phase and separate activity related to a farmland improvement within fifty feet of either side of a pipeline. If the pipeline company and the landowner or contractor constructing the farmland improvement mutually agree that a representative of the pipeline company is not required to be present, the requirements of this section are waived in relation to the farmland improvement which would have otherwise made the requirements of this section applicable. A farmland improvement includes, but is not limited to, the terracing of farmland and tiling.

Approved April 25, 2000

CHAPTER 1140

PUBLIC HEALTH PROGRAMS AND ISSUES

S.F. 2302

AN ACT relating to programs and public health issues under the purview of the Iowa department of public health and the appropriation of certain fees to the department and providing an effective date.

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

Section 1. Section 22.7, Code Supplement 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 39. Preliminary findings, reports of these preliminary findings, and investigative reports of the state medical examiner, resulting from the conducting of an autopsy. However, the date, time, specific location, and immediate facts and circumstances surrounding a crime or incident, related to a death that affects the public interest as defined

in section 331.802, shall not be kept confidential under this subsection, except if disclosure would plainly and clearly jeopardize an investigation or pose a clear and present danger to the public safety or the safety of an individual.

Sec. 2. Section 124.204, subsection 4, Code 1999, is amended by adding the following new paragraphs:

NEW PARAGRAPH. ad. Alpha-ethyltryptamine. Some trade or other names: etryptamine; Monase; a-ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl)indole; alpha-ET; and AET.

NEW PARAGRAPH. ae. 4-Bromo-2,5-dimethoxyphenethylamine. Some trade or other names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; alpha-desmethyl DOB; 2C-B, Nexus.

Sec. 3. Section 124.204, subsection 6, Code 1999, is amended by adding the following new paragraphs:

NEW PARAGRAPH. f. Aminorex. Some other names: aminoxaphen; 2-amino-5-phenyl-2-oxazoline; 4,5-dihydro-5-phenyl-2-oxazolamine.

NEW PARAGRAPH. g. Methcathinone. Some other names: 2-(methylamino)-propiophenone; alpha-(methylamino)propiofenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-N-methylaminopropiophenone; monomethylpropion; ephedrone; N-methylcathinone; methylcathinone; AL-464; AL-422; AL-463; and UR1432.

Sec. 4. Section 124.204, subsection 9, paragraphs c, d, and e, Code 1999, are amended by striking the paragraphs.

Sec. 5. Section 124.206, subsection 2, paragraph a, unnumbered paragraph 1, Code 1999, is amended to read as follows:

Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding apomorphine, ~~dextrophan~~ thebaine-derived butorphanol, dextrorphan, nalbuphine, nalmefene, naloxone, and naltrexone, and their respective salts, but including the following:

Sec. 6. Section 124.206, subsection 3, Code 1999, is amended by adding the following new paragraph:

NEW PARAGRAPH. aa. Remifentanil.

Sec. 7. Section 124.206, subsection 7, paragraph b, Code 1999, is amended by striking the paragraph.

Sec. 8. Section 124.208, subsection 3, Code 1999, is amended by adding the following new paragraph:

NEW PARAGRAPH. l. Ketamine, its salts, isomers, and salts of isomers. Some other names for ketamine: (+)-2-(2-chlorophenyl)-2-(methylamino)-cyclohexanone.

Sec. 9. Section 124.208, subsection 6, paragraphs b, e, and i, Code 1999, are amended to read as follows:

b. Chlorotestosterone (4-chlortestosterone).

e. Dihydrotestosterone (4-dihydrotestosterone).

i. ~~Formebolone~~ Formebolone (formebolone).

Sec. 10. Section 124.208, Code 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 8. HALLUCINOGENIC SUBSTANCES. Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States Food and Drug Administration approved product. Some other names for dronabinol: (6aR-trans)-6a, 7, 8, 10a-tetrahydro-6, 6, 9-trimethyl-3-pentyl-6H-dibenzo [b,d] pyran-1-ol, or (-)-delta-9-(trans)-tetrahydrocannabinol.

Sec. 11. Section 124.210, subsection 2, paragraph b, Code 1999, is amended to read as follows:

b. ~~Dextropropoxyphene (alpha-(+) 4 dimethylamindiphendiphenyl 3 methyl 2 propionoxybutane)~~ (alpha-(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybutane).

Sec. 12. Section 124.210, subsection 3, Code 1999, is amended by adding the following new paragraph:

NEW PARAGRAPH. aw. Zaleplon.

Sec. 13. Section 124.210, subsection 5, Code 1999, is amended by adding the following new paragraphs:

NEW PARAGRAPH. k. Modafinil.

NEW PARAGRAPH. l. Sibutramine.

Sec. 14. Section 124.210, subsection 6, Code 1999, is amended by adding the following new paragraph:

NEW PARAGRAPH. b. Butorphanol (including its optical isomers).

Sec. 15. Section 124.212, subsection 5, unnumbered paragraph 1, Code 1999, is amended to read as follows:

Ephedrine. Unless specifically excepted in paragraph "b" or "c", or listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substance, including its salts, optical isomers, and salts of such optical isomers:

Sec. 16. Section 124.212, subsection 5, Code 1999, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. A dietary supplement is also excepted from this schedule, if the dietary supplement is not otherwise prohibited by any other law and is a naturally occurring ephedrine alkaloid or associated salts, isomers, salts of isomers, or a combination of these substances that are contained in a matrix of organic material and do not exceed fifteen percent of the total weight of the natural product.

Sec. 17. Section 124B.2, subsection 1, paragraphs a, c, g, and i, Code 1999, are amended to read as follows:

a. Anthranilic acid, its esters, and its salts.

c. ~~Ephedrine, its salts, optical isomers, and salts of optical isomers~~ Ethylamine and its salts.

g. N-acetylanthranilic acid, its esters, and its salts.

i. Phenylacetic acid, its esters, and its salts.

Sec. 18. Section 124B.2, subsection 1, Code 1999, is amended by adding the following new paragraphs:

NEW PARAGRAPH. m. Methylamine and its salts.

NEW PARAGRAPH. n. Propionic anhydride.

NEW PARAGRAPH. o. Insosafrole.

NEW PARAGRAPH. p. Safrole.

NEW PARAGRAPH. q. Piperonal.

NEW PARAGRAPH. r. N-methylephedrine, its salts, optical isomers, and salts of optical isomers.

NEW PARAGRAPH. s. N-methylpseudoephedrine, its salts, optical isomers, and salts of optical isomers.

NEW PARAGRAPH. t. Hydriodic acid.

NEW PARAGRAPH. u. Benzaldehyde.

NEW PARAGRAPH. v. Nitroethane.

Sec. 19. Section 125.14, Code 1999, is amended to read as follows:

125.14 LICENSES — RENEWAL — FEES.

The commission shall meet to consider all cases involving initial issuance, and renewal, denial, suspension, or revocation of a license. The department shall issue a license to an applicant who the commission determines meets the licensing requirements of this chapter. Licenses shall expire no later than two years from the date of issuance and shall be renewed upon timely application made in the same manner as for ~~original~~ initial issuance of a license unless notice of nonrenewal is given to the licensee at least thirty days prior to the expiration of the license. The department shall not charge a fee for licensing or renewal of programs contracting with the department for provision of treatment services. A fee may be charged to other licensees.

Sec. 20. Section 125.15, Code 1999, is amended to read as follows:

125.15 INSPECTION OF LICENSEES.

The department ~~shall~~ may inspect the facilities and review the procedures utilized by ~~each licensed program~~ any chemical substitutes or antagonists program, residential program, or nonresidential outpatient program that has as a primary purpose the treatment and rehabilitation of substance abusers or chronic substance abusers, for the purpose of ensuring compliance with this chapter and the rules adopted pursuant to this chapter. The examination and review may include case record audits and interviews with staff and patients, consistent with the confidentiality safeguards of state and federal law.

Sec. 21. NEW SECTION. 135.30A BREASTFEEDING IN PUBLIC PLACES.

Notwithstanding any other provision of law to the contrary, a woman may breast-feed the woman's own child in any public place where the woman's presence is otherwise authorized.

Sec. 22. Section 135.105C, Code 1999, is amended to read as follows:

135.105C RENOVATION, REMODELING, AND REPAINTING — LEAD HAZARD NOTIFICATION PROCESS ESTABLISHED.

1. A person who performs renovation, remodeling, or repainting services of ~~targeted target~~ targeted target housing for compensation shall provide an approved lead hazard information pamphlet to the owner and occupant of the housing prior to commencing the services.

2. For the purpose of this section, "targeted target housing" means housing constructed prior to 1978 with the exception of housing for the elderly or for persons with disabilities and housing that does not contain a bedroom, unless at least one child, under six years of age ~~or less~~, resides or is expected to reside in the housing, ~~and housing which does not contain a bedroom~~. The department shall adopt rules to implement the renovation, remodeling, and repainting lead hazard notification process.

Sec. 23. Section 135.107, subsection 3, unnumbered paragraph 1, Code 1999, is amended to read as follows:

The center for rural health and primary care shall establish a primary care provider recruitment and retention endeavor, to be known as PRIMECARRE. The endeavor shall include a community grant program, a primary care provider loan repayment program, and a primary care provider community scholarship program, ~~and the establishment of area health education centers~~. The endeavor shall be developed and implemented in a manner to promote and accommodate local creativity in efforts to recruit and retain health care professionals to provide services in the locality. The focus of the endeavor shall be to promote and assist local efforts in developing health care provider recruitment and retention programs. Eligibility under any of the programs established under the primary care provider recruitment and retention endeavor shall be based upon a community health services assessment completed under subsection 2, paragraph "a". A community or region, as applicable, shall submit a letter of intent to conduct a community health services assessment and to apply for assistance under this subsection. The letter shall be in a form and contain information as determined by the center. A letter of intent shall be submitted to the center by January 1

preceding the fiscal year for which an application for assistance is to be made. Assistance under this subsection shall not be granted until such time as the community or region making application has completed the community health services assessment and adopted a long-term community health services assessment and developmental plan. In addition to any other requirements, a developmental plan shall include a clear commitment to informing high school students of the health care opportunities which may be available to such students.

Sec. 24. Section 135.107, subsection 3, paragraph d, Code 1999, is amended by striking the paragraph.

Sec. 25. Section 135.107, subsection 4, Code 1999, is amended by striking the subsection.

Sec. 26. Section 141A.6, subsection 6, paragraph e, Code Supplement 1999, is amended to read as follows:

e. The race ~~or~~ and ethnicity of the patient.

Sec. 27. Section 141A.8, subsection 1, Code Supplement 1999, is amended by striking the subsection and inserting in lieu thereof the following:

1. If a care provider in the course of providing care sustains a significant exposure on the premises of a health facility or while engaged in rendering aid or providing transportation to an individual in circumstances which lead to the individual's presence at a health facility, the individual to whom the care provider was exposed is deemed to consent to a test to be administered by the health facility upon the submission of a significant exposure report by the exposed care provider for the express purpose of determining the presence of HIV infection in that individual and notifying the health care provider of the HIV test results of the individual. The sample and test results shall only be identified by a number and no reports otherwise required by this chapter shall be made which identify the individual tested. However, if the test results are positive, the health facility shall notify the individual tested and ensure the performance of counseling and reporting requirements of this chapter in the same manner as for an individual from whom actual consent was obtained.

Sec. 28. Section 141A.8, subsection 7, Code Supplement 1999, is amended by striking the subsection.

Sec. 29. Section 141A.8, subsection 9, Code Supplement 1999, is amended to read as follows:

9. Notifications made pursuant to this section shall not disclose the identity of the individual who is diagnosed or confirmed as having HIV infection unless the individual provides a specific written release ~~as provided in subsection 1, paragraph "b"~~. If the care provider determines the identity of the individual, the identity of the individual shall be confidential information and shall not be disclosed by the care provider to any other person unless a specific written release is obtained from the individual.

Sec. 30. Section 147.5, Code 1999, is amended to read as follows:
147.5 FORM.

Every license to practice a profession shall be in the form of a certificate under the seal of the department, signed by the director of public health. Such license shall be issued in the name of the examining board which conducts examinations for that particular profession. ~~The number of the book and page containing the entry of said license in the office of the department shall be noted on the face of the license.~~

Sec. 31. Section 147.40, Code 1999, is amended to read as follows:
147.40 CERTIFICATION OF APPLICANTS.

Every examination shall be passed upon in accordance with the established rules of the examining board and shall be satisfactory to at least a majority of the professional members of the board. In the case of the board of dental examiners, only licensed dentist members of

the board shall determine whether an applicant has passed the examination to practice as a licensed dentist. After each examination, the examining board shall certify the names of the successful applicants to the department in the manner prescribed by it. The department shall then issue the proper license ~~and make the required entry in the registry book.~~

Sec. 32. Section 148.5, Code 1999, is amended to read as follows:

148.5 RESIDENT PHYSICIAN LICENSE.

A physician, who is a graduate of a medical school and is serving as a resident physician who is not otherwise licensed to practice medicine and surgery in this state, shall be required to obtain from the medical examiners a license to practice as a resident physician. The license shall be designated "Resident Physician License" and shall authorize the licensee to serve as a resident physician only, under the supervision of a licensed practitioner of medicine and surgery or osteopathic medicine and surgery, in an institution approved for such training by the medical examiners. ~~Such a~~ A license shall be valid for ~~one year and may be renewed at the discretion of the medical examiners~~ a duration as determined by the board. The fee for each license shall be set by the medical examiners to cover the administrative costs of issuing the license, ~~and if extended beyond one year, a renewal fee as set by the medical examiners shall be required.~~ The medical examiners shall determine in each instance those eligible for a license, whether or not examinations shall be given, and the type of examinations. ~~No requirements~~ Requirements of the law pertaining to regular permanent licensure shall not be mandatory for a resident physician license except as specifically designated by the medical examiners. The granting of a resident physician license does not in any way indicate that the person ~~so~~ licensed is necessarily eligible for regular permanent licensure, nor are the medical examiners in any way obligated to ~~so~~ license ~~such~~ the individual.

Sec. 33. Section 148A.6, subsection 3, paragraph c, Code 1999, is amended by striking the paragraph.

Sec. 34. NEW SECTION. 148B.3A OCCUPATIONAL THERAPY — REFERRAL.

Occupational therapy may be provided by an occupational therapist without referral from a physician, podiatric physician, dentist, or chiropractor, except that a hospital may require that occupational therapy provided in the hospital be performed only following prior review by and authorization of the performance of the occupational therapy by a member of the hospital medical staff.

Sec. 35. Section 148B.5, subsection 1, paragraph a, subparagraph (1), Code 1999, is amended to read as follows:

(1) For an occupational therapist, the program must be one accredited by the ~~American medical association in collaboration with~~ accreditation council for occupational therapy education of the American occupational therapy association.

Sec. 36. Section 150A.9, Code 1999, is amended to read as follows:

150A.9 RESIDENT LICENSE.

An osteopathic physician and surgeon who is a graduate of a college of osteopathic medicine and surgery and is serving as a resident physician and who is not licensed to practice osteopathic medicine and surgery in this state, shall be required to obtain from the medical examiners a license to practice as a resident osteopathic physician and surgeon. The license shall be designated "Resident Osteopathic Physician and Surgeon License", and shall authorize the licensee to serve as a resident physician only, under the supervision of a licensed practitioner of osteopathic medicine and surgery or licensed practitioner of medicine and surgery, in an institution approved for such training by the medical examiners. A license shall be valid for ~~one year and may be renewed at the discretion of the medical examiners~~ a duration as determined by the board. The fee for each license shall be set by the medical examiners and based on the administrative cost of issuing the license, ~~and if ex-~~

~~tended beyond one year, a renewal fee shall be required.~~ The medical examiners shall determine in each instance those eligible for a license, whether or not examinations shall be given, and the type of examinations. ~~No requirements~~ Requirements of the law pertaining to regular permanent licensure shall not be mandatory for a resident osteopathic physician and surgeon's license except as specifically designated by the medical examiners. The granting of a resident osteopathic physician and surgeon's license does not in any way indicate that the person ~~so~~ licensed is necessarily eligible for regular permanent licensure, nor are the medical examiners in any way obligated to ~~so~~ license ~~such~~ the individual.

Sec. 37. Section 152.7, unnumbered paragraph 2, Code 1999, is amended by striking the unnumbered paragraph.

Sec. 38. Section 154A.11, unnumbered paragraph 2, Code 1999, is amended to read as follows:

All examinations in theory shall be in writing and the identity of the person taking the examination shall be concealed until after the examination papers have been graded. ~~For examinations in practice, the identity of the person taking the examination shall also be concealed as far as possible.~~

Sec. 39. Section 154A.12, subsections 2, 5, and 6, Code 1999, are amended by striking the subsections.

Sec. 40. Section 154C.3, subsection 1, paragraph c, subparagraph (1), Code 1999, is amended to read as follows:

(1) Possesses a master's or doctoral degree in social work from an accredited college or university approved by the board.

Sec. 41. Section 156.4, subsections 4 and 5, Code 1999, are amended to read as follows:

4. Written ~~and oral~~ examinations for a funeral director's license shall be held at least once a year at a time and place to be designated by the board. The examination shall include the subjects of funeral directing, burial or other disposition of dead human bodies, sanitary science, embalming, restorative art, anatomy, public health, transportation, business ethics, and such other subjects as the board may designate.

5. After the applicant ~~shall have~~ has completed satisfactorily the course of instruction in mortuary science in an accredited school approved by the board, the applicant must pass the examination prescribed by the board as provided in section 147.34. The applicant may then receive an internship certificate and shall then complete a minimum one-year internship as determined by the board. ~~After completion of the internship, the applicant shall demonstrate proficiency as directed by the board.~~

Sec. 42. NEW SECTION. 156.8A STUDENT PRACTICUM.

The board, by rule, shall provide for practicums in mortuary science for students available through any school accredited by the American board of funeral service education and shall regulate the registration, training, and fees for such practicums.

Sec. 43. Section 331.605, subsection 6, Code Supplement 1999, is amended to read as follows:

6. For filing an application for the license to marry, ~~thirty~~ thirty-five dollars, which includes payment for one certified copy of the original certificate of marriage, to be issued following filing of the original certificate of marriage, four dollars of which shall be retained by the county pursuant to subsection 5. For issuing an application for an order of the district court authorizing the validation of a license to marry before the expiration of three days from the date of issuance of the license, five dollars. The district court shall authorize the early validation of a marriage license without the payment of any fees imposed in this subsection upon showing that the applicant is unable to pay the fees.

Sec. 44. Section 595.13, Code 1999, is amended to read as follows:

595.13 CERTIFICATE — RETURN.

After the marriage has been solemnized, the officiating minister or magistrate shall:

1. ~~Give each of the parties a certificate of the same.~~
2. Make return of the certificate of marriage within fifteen days to the county registrar, who issued the marriage license upon the blank provided for that purpose.

Sec. 45. NEW SECTION. 595.16A. ISSUANCE OF CERTIFIED COPY OF CERTIFICATE OF MARRIAGE.

Following receipt of the original certificate of marriage pursuant to section 144.36, the county registrar shall issue a certified copy of the original certificate of marriage to the parties to the marriage.

Sec. 46. Section 691.6, Code Supplement 1999, is amended by adding the following new subsections:

NEW SUBSECTION. 4. To collect autopsy fees as established by rule and the fees are appropriated to the state medical examiner. Notwithstanding section 8.33, any fees collected by the state medical examiner that remain unexpended at the end of the fiscal year shall not revert to the general fund of the state.

NEW SUBSECTION. 5. To conduct an inquiry, investigation, or hearing and administer oaths and receive testimony under oath relative to the matter of inquiry, investigation, or hearing, and to subpoena witnesses and require the production of records, papers, and documents pertinent to the death investigation. However, the medical examiner shall not conduct any activity pursuant to this subsection, relating to a homicide or other criminally suspicious death, without coordinating such activity with the county medical examiner, and without obtaining approval of the investigating law enforcement agency, the county attorney, or any other prosecutorial or law enforcement agency of the jurisdiction to conduct such activity.

NEW SUBSECTION. 6. To adopt rules pursuant to chapter 17A relating to the duties, responsibilities, and operations of the office of the state medical examiner and to specify the duties, responsibilities, and operations of the county medical examiner in relationship to the office of the state medical examiner.

Sec. 47. Section 135.19, Code 1999, is repealed.

Sec. 48. STUDY — NEEDLESTICK PROTECTION. The Iowa department of public health, in cooperation with the labor commissioner, shall conduct a study of state and federal laws and regulations relating to protection of persons who may be at risk of needlestick injuries in the course of employment. The study shall include the review of the current national institute for occupational safety and health of the centers for disease control and prevention recommendations to reduce workplace needlestick injuries. The department shall submit a report to the governor and the general assembly by December 15, 2000, which shall include any recommendations for changes in state law or rules, which are not in conflict with federal law or regulations, to improve protective measures relating to needlestick injuries.

Sec. 49. EFFECTIVE DATE. The sections of this Act amending section 331.605, subsection 6, and enacting section 595.16A, take effect January 1, 2001.

Approved April 25, 2000