

2. ~~A person commits a class "D" felony when the person knowingly promotes~~ It shall be unlawful to knowingly promote any material visually depicting a live performance of a minor or what appears to be a minor engaging in a prohibited sexual act or in the simulation of a prohibited sexual act. A person who commits a violation of this subsection commits a class "D" felony. Notwithstanding section 902.9, the court may assess a fine of not more than twenty-five thousand dollars for each offense under this subsection in addition to imposing any other authorized sentence.

3. ~~A person who~~ It shall be unlawful to knowingly purchases or possesses purchase or possess a negative, slide, book, magazine, ~~computer, computer disk,~~ or other print or visual medium ~~depicting, or an electronic, magnetic, or optical storage system, or any other type of storage system which depicts~~ a minor or what appears to be a minor engaging in a prohibited sexual act or the simulation of a prohibited sexual act ~~commits a serious misdemeanor.~~ A person who commits a violation of this subsection commits an aggravated misdemeanor for a first offense and a class "D" felony for a second or subsequent offense. For purposes of this subsection, an offense is considered a second or subsequent offense if, prior to the person's having been convicted under this subsection, any of the following apply:

a. The person has a prior conviction or deferred judgment under this subsection.

b. The person has a prior conviction, deferred judgment, or the equivalent of a deferred judgment in another jurisdiction for an offense substantially similar to the offense defined in this subsection. The court shall judicially notice the statutes of other states that define offenses substantially similar to the offense defined in this subsection and that therefore can be considered corresponding statutes.

4. ~~However, this~~ This section does not apply to law enforcement officers, court personnel, licensed physicians, licensed psychologists, or attorneys in the performance of their official duties.

Sec. 5. Section 901A.1, subsection 1, Code 2001, is amended by adding the following new paragraph:

NEW PARAGRAPH. bb. Enticing a minor away in violation of section 710.10, subsection 1.

Approved March 28, 2001

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## CHAPTER 18

### TOBACCO SETTLEMENT AGREEMENT MODIFICATIONS

S.F. 146

**AN ACT** relating to the tobacco master settlement agreement and providing an effective date.

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

Section 1. Section 453C.1, subsection 4, paragraph c, unnumbered paragraph 2, Code 2001, is amended to read as follows:

The term "cigarette" includes "roll-your-own" tobacco, meaning tobacco which, because of its appearance, type, packaging, or labeling, is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes. For purposes of this definition of "cigarette", 0.09 ounces of "roll-your-own" tobacco shall constitute one individual "cigarette".

Sec. 2. Section 453C.1, subsection 9, paragraph a, Code 2001, is amended to read as follows:

a. Manufactures cigarettes anywhere that such manufacturer intends to be sold in the United States, including cigarettes intended to be sold in the United States through an importer, (except where such importer is an original participating manufacturer, as that term is defined in the master settlement agreement, that will be responsible for the payments under the master settlement agreement with respect to such cigarettes as a result of the provisions of subsection II(mm) of the master settlement agreement and that pays the taxes specified in subsection II(z) of the master settlement agreement and provided that the manufacturer of such cigarettes does not market or advertise such cigarettes in the United States).

Sec. 3. Section 453C.2, subsection 2, paragraph b, subparagraph (1), Code 2001, is amended to read as follows:

(1) To pay a judgment or settlement on any released claim brought against such tobacco product manufacturer by the state or any releasing party located or residing in the state. Funds shall be released from escrow, under this subparagraph (1), (a) in the order in which they were placed into escrow and (b) only to the extent and at the time necessary to make payments required under such judgment or settlement.

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

Approved March 30, 2001

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## CHAPTER 19

### ANIMAL BITES AND RABIES — LAW ENFORCEMENT AGENCY DOGS AND HORSES

H.F. 179

**AN ACT** relating to excluding from confinement dogs used by police or correctional officers.

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

Section 1. Section 351.39, Code 2001, is amended to read as follows:  
351.39 CONFINEMENT.

~~When~~ If a local board of health receives information that ~~any person has been bitten by an animal~~ has bitten a person or that a dog or animal is suspected of having rabies, ~~if the board~~ shall order the owner to confine such animal in the manner it directs. If the owner fails to confine such animal in the manner directed, the animal shall be apprehended and impounded by such board, and after ~~two weeks~~ ten days the board may humanely destroy the animal. If such animal is returned to its owner, the owner shall pay the cost of impoundment. This section shall not apply to a police service dog or a horse used by a law enforcement agency, that is acting in the performance of its duties which has bitten a person.<sup>1</sup>

Approved March 30, 2001

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<sup>1</sup> See chapter 176, §68 herein