

*Boddicker
Haversten
Attcherry*

Succeeded By
SF 10649

HSB 180
HUMAN RESOURCES

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
PUBLIC HEALTH BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to certain programs and public health issues
2 under the purview of the Iowa department of public health, and
3 providing a penalty.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 124.204, subsection 5, Code 2001, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. c. Gamma-hydroxybutyric acid. Some trade
4 or other names: GHB; gamma-hydroxybutyrate; 4-
5 hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate;
6 sodium oxybutyrate.

7 Sec. 2. Section 124.208, subsection 3, Code 2001, is
8 amended by adding the following new paragraph:

9 NEW PARAGRAPH. m. Any drug product containing gamma-
10 hydroxybutyric acid, including its salts, isomers, and salts
11 of isomers, for which an application is approved under section
12 505 of the federal Food, Drug, and Cosmetic Act.

13 Sec. 3. Section 135.11, subsection 25, Code 2001, is
14 amended to read as follows:

15 25. Establish ad hoc and advisory committees to the
16 director in areas where technical expertise is not otherwise
17 readily available. Members may be compensated for their
18 actual and necessary expenses incurred in the performance of
19 their duties. To encourage health consumer participation,
20 public members may also receive a per diem as specified in
21 section 7E.6 if funds are available and the per diem is
22 determined to be appropriate by the director. Expense moneys
23 paid to the members shall be paid from funds appropriated to
24 the department. A majority of the members of such a committee
25 constitutes a quorum.

26 Sec. 4. Section 135.105C, Code 2001, is amended by adding
27 the following new subsection:

28 NEW SUBSECTION. 3. A person who violates this section is
29 subject to a civil penalty not to exceed five thousand dollars
30 for each offense.

31 Sec. 5. Section 135I.1, subsection 3, Code 2001, is
32 amended to read as follows:

33 3. "Spa" means a bathing facility such as a hot tub or
34 whirlpool designed for recreational or therapeutic use.

35 ~~However, "spa" does not include a facility used under direct~~

1 ~~supervision-of-qualified-medical-personnel-~~

2 Sec. 6. Section 135I.2, Code 2001, is amended to read as
3 follows:

4 135I.2 APPLICABILITY.

5 This chapter applies to all swimming pools and spas owned
6 or operated by local or state government, or commercial
7 interests or private entities including, but not limited to,
8 facilities operated by cities, counties, public or private
9 school corporations, hotels, motels, camps, apartments,
10 condominiums, and health or country clubs. This chapter does
11 not apply to facilities intended for single family use or to a
12 swimming pool or spa operated by a homeowners' association
13 representing seventy-two or fewer dwelling units if the
14 association's bylaws, which also apply to a rental agreement
15 relative to any of the dwelling units, include an exemption
16 from the requirements of this chapter, provide for inspection
17 of the swimming pool or spa by an entity other than the
18 department or local board of health, and assume any liability
19 associated with operation of the swimming pool or spa. This
20 chapter does not apply to a swimming pool or spa used
21 exclusively for therapy under the direct supervision of
22 qualified medical personnel. To avoid duplication and promote
23 coordination of inspection activities, the department may
24 enter into agreements pursuant to chapter 28E with a local
25 board of health to provide for inspection and enforcement in
26 accordance with this chapter.

27 Sec. 7. Section 135I.4, subsection 4, Code 2001, is
28 amended to read as follows:

29 4. Establish and collect fees to defray the cost of
30 administering this chapter. It is the intent of the general
31 assembly that fees collected under this chapter be retained by
32 the department and used to defray the cost of administering
33 this chapter. However, the portion of fees needed to defray
34 the costs of a local board of health in implementing this
35 chapter shall be established by the local board of health. A

1 fee imposed for the inspection of a swimming pool or spa shall
2 not be collected until the inspection has actually been
3 performed.

4 Sec. 8. Section 147.74, Code 2001, is amended by adding
5 the following new subsection:

6 NEW SUBSECTION. 20A. A registered nurse licensed under
7 chapter 152 may use the words "registered nurse" or the
8 letters "R.N." after the person's name. A licensed practical
9 nurse licensed under chapter 152 may use the words "licensed
10 practical nurse" or the letters "L.P.N." after the person's
11 name.

12 Sec. 9. Section 147.80, subsection 16, Code 2001, is
13 amended to read as follows:

14 16. License to practice barbering on the basis of an
15 examination given by the board of barber examiners, license to
16 practice barbering under a reciprocal agreement, renewal of a
17 license to practice barbering, annual inspection by the
18 department of inspections and appeals of barber school and
19 annual inspection of barber shop, an original barber school
20 license, renewal of a barber school license, transfer of
21 license upon change of ownership of a barber shop or barber
22 school, inspection by the department of inspections and
23 appeals and an original barber shop license, renewal of a
24 barber shop license, original barber school instructor's
25 license, renewal of a barber school instructor's license,
26 ~~original-barber-assistant's-license, renewal of a barber~~
27 ~~assistant's-license.~~

28 Sec. 10. Section 147.91, Code 2001, is amended to read as
29 follows:

30 147.91 PUBLICATIONS.

31 The department shall have ~~printed-in-pamphlet-form~~
32 available for each profession the following ~~matter-which-is~~
33 ~~pertinent-to-the-particular-profession-for-which-such-pamphlet~~
34 is-published information:

35 1. The law regulating the practice of the profession.

1 2. The rules of the Iowa department of public health and
2 the department of inspections and appeals relative to
3 licenses.

4 3. The rules of the examining board relative to
5 examinations.

6 Such ~~pamphlet~~ information shall be supplied to any person
7 applying for the same. The department may, to the extent
8 feasible, make the information described in this section
9 available by electronic means, including, but not limited to,
10 access to the documents through the internet.

11 Sec. 11. Section 148.6, subsection 2, paragraph g, Code
12 2001, is amended to read as follows:

13 g. Being guilty of a willful or repeated departure from,
14 or the failure to conform to, the minimal standard of
15 acceptable and prevailing practice of medicine and surgery,
16 osteopathic medicine and surgery or osteopathy in which
17 proceeding actual injury to a patient need not be established;
18 or the committing by a physician of an act contrary to
19 honesty, justice, or good morals, whether the same is
20 committed in the course of the physician's practice or
21 otherwise, and whether committed within or without this state.
22 The medical examiners may, in the course of a disciplinary
23 investigation and upon a showing of probable cause, compel a
24 physician to submit to a competency evaluation at a physician
25 competency assessment program designated by the board within a
26 specified time. All objections shall be waived as to the
27 admissibility of any physician's communications, testimony, or
28 reports on the grounds of privileged communication. The
29 medical testimony or evaluation report shall not be used
30 against a physician in any proceeding other than one relating
31 to licensee discipline by the board. Failure of a physician
32 to submit to a board-ordered evaluation is grounds for
33 disciplinary action for failure to comply with an order of the
34 board.

35 Sec. 12. Section 148.6, subsection 2, paragraph h,

1 unnumbered paragraph 1, Code 2001, is amended to read as
2 follows:

3 Inability to practice medicine and surgery, osteopathic
4 medicine and surgery or osteopathy with reasonable skill and
5 safety by reason of illness, drunkenness, excessive use of
6 drugs, narcotics, chemicals, or other type of material or as a
7 result of a mental or physical condition. The medical
8 examiners may, upon probable cause, compel a physician to
9 submit to a mental or physical examination by designated
10 physicians or to submit to alcohol or drug screening within a
11 time specified by the medical examiners. ~~Failure of a~~
12 ~~physician to submit to an examination or to submit to alcohol~~
13 ~~or drug screening shall constitute admission to the~~
14 ~~allegations made against the physician and the finding of fact~~
15 ~~and decision of the medical examiners may be entered without~~
16 ~~the taking of testimony or presentation of evidence.--At~~
17 ~~reasonable intervals, a physician shall be afforded an~~
18 ~~opportunity to demonstrate that the physician can resume the~~
19 ~~competent practice of medicine with reasonable skill and~~
20 ~~safety to patients.~~ Failure of a physician to submit to a
21 board-ordered examination or screening is grounds for
22 disciplinary action for failure to comply with an order of the
23 board.

24 Sec. 13. Section 154.6, Code 2001, is amended to read as
25 follows:

26 154.6 EXPIRATION AND RENEWAL OF LICENSES.

27 Every license to practice optometry shall expire in
28 multiyear intervals as determined by the board. Application
29 for renewal of such license shall be made in writing to the
30 Iowa department of public health at least thirty days prior to
31 the expiration date, accompanied by the required renewal fee
32 and ~~the affidavit of the licensee or other proof satisfactory~~
33 ~~to the department and to the Iowa state board of optometry~~
34 ~~examiners, that the applicant has annually attended, since the~~
35 ~~issuance of the last license to the applicant, an educational~~

1 program-or-clinic-as-conducted-by-the-Iowa-Optometric
 2 Association, or its equivalent, for a period of at least two
 3 days.--The attendance requirement at the educational program
 4 or clinic shall not be conditioned upon membership in the Iowa
 5 Optometric Association.--Nonmembers shall be admitted to the
 6 annual educational program or clinic upon payment of their pro
 7 rata share of the cost.--In lieu of attendance at the annual
 8 educational program or clinic, it shall be the duty of the
 9 board of optometry examiners to recognize and approve
 10 attendance at local optometric study group meetings as shall,
 11 in the judgment of the board, constitute an equivalent to
 12 attendance at the annual educational program of the
 13 association the licensee shall submit evidence of attendance
 14 of continuing education in this field.

15 Sec. 14. Section 154.7, Code 2001, is amended to read as
 16 follows:

17 154.7 NOTICE OF EXPIRATION.

18 Notice of expiration of the license to practice optometry
 19 shall be given by the Iowa department of public health to all
 20 certificate holders by mailing the notice to the last known
 21 address of such licensee at least ~~seventy-five~~ sixty days
 22 prior to the expiration date, and the notice shall contain a
 23 statement of the educational program attendance requirement
 24 and the amount of legal fee required as a condition to the
 25 renewal of the license. Subject to the provisions of this
 26 chapter, the license shall be renewed without examination.

27 Sec. 15. Section 154A.14, Code 2001, is amended to read as
 28 follows:

29 154A.14 RECIPROCITY.

30 If the board determines that another state or jurisdiction
 31 has requirements equivalent to or higher than those provided
 32 in this chapter, the department may issue a license by
 33 reciprocity to applicants who hold valid certificates or
 34 licenses to ~~deal in~~ dispense and fit hearing aids in the other
 35 state or jurisdiction. An applicant for a license by

1 reciprocity is not required to take a qualifying examination,
2 but is required to pay the license fee as provided in section
3 154A.17. The holder of a license of reciprocity is registered
4 in the same manner as the holder of a regular license. Fees,
5 grounds for renewal, and procedures for the suspension and
6 revocation of license by reciprocity are the same as for a
7 regular license.

8 Sec. 16. Section 158.9, unnumbered paragraph 3, Code 2001,
9 is amended by striking the unnumbered paragraph.

10 Sec. 17. Section 714.16, subsection 1, paragraph e, Code
11 2001, is amended to read as follows:

12 e. "Contaminant" means any particulate, chemical,
13 microbiological, or radiological substance in water which has
14 a potentially adverse health effect and for which a maximum
15 contaminant level (MCL) or treatment technique requirement or
16 an action level established in lieu of a maximum contaminant
17 level (MCL), has been specified in the national primary
18 drinking water regulations.

19 Sec. 18. Section 714.16, subsection 2, paragraph h,
20 subparagraph (3), subparagraph subdivision (c), Code 2001, is
21 amended to read as follows:

22 (c) Performance and test data including, but not limited
23 to, the list of contaminants certified to be reduced by the
24 water treatment system; the test influent concentration level
25 of each contaminant or surrogate for that contaminant; the
26 percentage reduction or effluent concentration of each
27 contaminant or surrogate; where applicable, the maximum
28 contaminant level (MCL) or a treatment technique requirement
29 or an action level established in lieu of a maximum
30 contaminant level (MCL) specified in the national primary
31 drinking water regulations; where applicable, the approximate
32 capacity in gallons; where applicable, the period of time
33 during which the unit is effective in reducing contaminants
34 based upon the contaminant or surrogate influent
35 concentrations used for the performance tests; where

1 applicable, the flow rate, pressure, and operational
2 temperature of the water during the performance tests.

3 Sec. 19. Section 158.11, Code 2001, is repealed.

4 Sec. 20. Sections 154A.1, 154A.2, 154A.4, 154A.9, 154A.13,
5 154A.18, 154A.19, 154A.20, 154A.21, 154A.23, 154A.24, and
6 154A.25, Code 2001, are amended by striking the word "dealer"
7 or "dealers" and inserting the word "dispenser" or
8 "dispensers".

9 EXPLANATION

10 This bill makes several technical and corrective changes
11 relating to the administration of programs under the purview
12 of the Iowa department of public health and related health
13 professional licensing and regulatory boards.

14 The bill provides for the designation of gamma-
15 hydroxybutyric acid (GHB) as a controlled substance. The bill
16 provides that the director of the Iowa department of public
17 health may provide a per diem to public members serving on ad
18 hoc advisory boards. The bill provides for the addition of a
19 penalty provision for a person regulated pursuant to the lead
20 hazard notification process under Code section 135.105C. The
21 bill provides that the regulation of spas does not apply to
22 facilities utilized exclusively for supervised medical
23 purposes. The bill provides that the Iowa department of
24 public health may retain fees established and collected by the
25 department relating to administering Code chapter 135I
26 governing swimming pools and spas.

27 The bill provides for the addition of registered nurse and
28 licensed practical nurse profession titles to the list of
29 titles protected pursuant to Code section 147.74. The bill
30 provides for the ability of the Iowa department of public
31 health to provide certain health professional licensure
32 information electronically. The bill provides for the
33 establishment of a competency evaluation process for the Iowa
34 board of medical examiners.

35 The bill eliminates specific provisions regarding the

1 continuing education requirements for optometry, and provides
2 that the preexpiration notice deadline shall be changed from
3 75 days to 60 days for individuals licensed to practice
4 optometry. The bill provides for the substitution of the term
5 hearing aid "dispenser" for the term "dealer" throughout Code
6 chapter 154A.

7 The bill provides for changes to the regulation of potable
8 water purification systems. The bill provides for the
9 elimination of outdated provisions regarding the licensure of
10 barber assistants.

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Substituted for by SF 433
4-10-01 (P.1140)

4/5/01 Unfinished Business Calendar

MAR 19 2001
Place On Calendar

HOUSE FILE 649
BY COMMITTEE ON HUMAN RESOURCES

WITHDRAWN
4-10-01

(SUCCESSOR TO HSB 180)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to certain programs and public health issues
2 under the purview of the Iowa department of public health, and
3 providing a penalty.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 649

1 Section 1. Section 124.204, subsection 5, Code 2001, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. c. Gamma-hydroxybutyric acid. Some trade
4 or other names: GHB; gamma-hydroxybutyrate; 4-
5 hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate;
6 sodium oxybutyrate.

7 Sec. 2. Section 124.208, subsection 3, Code 2001, is
8 amended by adding the following new paragraph:

9 NEW PARAGRAPH. m. Any drug product containing gamma-
10 hydroxybutyric acid, including its salts, isomers, and salts
11 of isomers, for which an application is approved under section
12 505 of the federal Food, Drug, and Cosmetic Act.

13 Sec. 3. Section 135.11, subsection 25, Code 2001, is
14 amended to read as follows:

15 25. Establish ad hoc and advisory committees to the
16 director in areas where technical expertise is not otherwise
17 readily available. Members may be compensated for their
18 actual and necessary expenses incurred in the performance of
19 their duties. To encourage health consumer participation,
20 public members may also receive a per diem as specified in
21 section 7E.6 if funds are available and the per diem is
22 determined to be appropriate by the director. Expense moneys
23 paid to the members shall be paid from funds appropriated to
24 the department. A majority of the members of such a committee
25 constitutes a quorum.

26 Sec. 4. Section 135.105C, Code 2001, is amended by adding
27 the following new subsection:

28 NEW SUBSECTION. 3. A person who violates this section is
29 subject to a civil penalty not to exceed five thousand dollars
30 for each offense.

31 Sec. 5. Section 135I.1, subsection 3, Code 2001, is
32 amended to read as follows:

33 3. "Spa" means a bathing facility such as a hot tub or
34 whirlpool designed for recreational or therapeutic use.

35 ~~However, "spa" does not include a facility used under direct~~

1 ~~supervision-of-qualified-medical-personnel-~~

2 Sec. 6. Section 135I.2, Code 2001, is amended to read as
3 follows:

4 135I.2 APPLICABILITY.

5 This chapter applies to all swimming pools and spas owned
6 or operated by local or state government, or commercial
7 interests or private entities including, but not limited to,
8 facilities operated by cities, counties, public or private
9 school corporations, hotels, motels, camps, apartments,
10 condominiums, and health or country clubs. This chapter does
11 not apply to facilities intended for single family use or to a
12 swimming pool or spa operated by a homeowners' association
13 representing seventy-two or fewer dwelling units if the
14 association's bylaws, which also apply to a rental agreement
15 relative to any of the dwelling units, include an exemption
16 from the requirements of this chapter, provide for inspection
17 of the swimming pool or spa by an entity other than the
18 department or local board of health, and assume any liability
19 associated with operation of the swimming pool or spa. This
20 chapter does not apply to a swimming pool or spa used
21 exclusively for therapy under the direct supervision of
22 qualified medical personnel. To avoid duplication and promote
23 coordination of inspection activities, the department may
24 enter into agreements pursuant to chapter 28E with a local
25 board of health to provide for inspection and enforcement in
26 accordance with this chapter.

27 Sec. 7. Section 135I.4, subsection 4, Code 2001, is
28 amended to read as follows:

29 4. Establish and collect fees to defray the cost of
30 administering this chapter. It is the intent of the general
31 assembly that fees collected under this chapter be retained by
32 the department and used to defray the cost of administering
33 this chapter. However, the portion of fees needed to defray
34 the costs of a local board of health in implementing this
35 chapter shall be established by the local board of health. A

1 fee imposed for the inspection of a swimming pool or spa shall
2 not be collected until the inspection has actually been
3 performed.

4 Sec. 8. Section 147.74, Code 2001, is amended by adding
5 the following new subsection:

6 NEW SUBSECTION. 20A. A registered nurse licensed under
7 chapter 152 may use the words "registered nurse" or the
8 letters "R.N." after the person's name. A licensed practical
9 nurse licensed under chapter 152 may use the words "licensed
10 practical nurse" or the letters "L.P.N." after the person's
11 name.

12 Sec. 9. Section 147.80, subsection 16, Code 2001, is
13 amended to read as follows:

14 16. License to practice barbering on the basis of an
15 examination given by the board of barber examiners, license to
16 practice barbering under a reciprocal agreement, renewal of a
17 license to practice barbering, annual inspection by the
18 department of inspections and appeals of barber school and
19 annual inspection of barber shop, an original barber school
20 license, renewal of a barber school license, transfer of
21 license upon change of ownership of a barber shop or barber
22 school, inspection by the department of inspections and
23 appeals and an original barber shop license, renewal of a
24 barber shop license, original barber school instructor's
25 license, renewal of a barber school instructor's license,
26 ~~original-barber-assistant's-license, renewal-of-a-barber~~
27 ~~assistant's-license.~~

28 Sec. 10. Section 147.91, Code 2001, is amended to read as
29 follows:

30 147.91 PUBLICATIONS.

31 The department shall have ~~printed-in-pamphlet-form~~
32 available for each profession the following ~~matter-which-is~~
33 ~~pertinent-to-the-particular-profession-for-which-such-pamphlet~~
34 is-published information:

35 1. The law regulating the practice of the profession.

1 2. The rules of the Iowa department of public health and
2 the department of inspections and appeals relative to
3 licenses.

4 3. The rules of the examining board relative to
5 examinations.

6 Such pamphlet information shall be supplied to any person
7 applying for the same. The department may, to the extent
8 feasible, make the information described in this section
9 available by electronic means, including, but not limited to,
10 access to the documents through the internet.

11 Sec. 11. Section 147A.8, subsection 2, paragraph d, Code
12 2001, is amended to read as follows:

13 d. Employed by or assigned to a hospital or other entity
14 in which health care is ordinarily provided only when under
15 the direct supervision of a physician, as a member of an
16 authorized ambulance, rescue, or first response service, or in
17 an individual capacity, to perform nonlifesaving procedures
18 for which those individuals have been trained certified and
19 are designated in a written job description. Such procedures
20 may be performed after the patient is observed by and when the
21 emergency medical care provider is under the supervision of
22 the physician, physician assistant, or registered nurse,
23 including when the registered nurse is not acting in the
24 capacity of a physician designee, and where the procedure may
25 be immediately abandoned without risk to the patient.

26 Sec. 12. Section 154.6, Code 2001, is amended to read as
27 follows:

28 154.6 EXPIRATION AND RENEWAL OF LICENSES.

29 Every license to practice optometry shall expire in
30 multiyear intervals as determined by the board. Application
31 for renewal of such license shall be made in writing to the
32 Iowa department of public health at least thirty days prior to
33 the expiration date, accompanied by the required renewal fee
34 and ~~the affidavit of the licensee or other proof satisfactory~~
35 ~~to the department and to the Iowa state board of optometry~~

1 examiners, that the applicant has annually attended, since the
2 issuance of the last license to the applicant, an educational
3 program or clinic as conducted by the Iowa Optometric
4 Association, or its equivalent, for a period of at least two
5 days. The attendance requirement at the educational program
6 or clinic shall not be conditioned upon membership in the Iowa
7 Optometric Association. Nonmembers shall be admitted to the
8 annual educational program or clinic upon payment of their pro
9 rata share of the cost. In lieu of attendance at the annual
10 educational program or clinic, it shall be the duty of the
11 board of optometry examiners to recognize and approve
12 attendance at local optometric study group meetings as shall,
13 in the judgment of the board, constitute an equivalent to
14 attendance at the annual educational program of the
15 association the licensee shall submit evidence of attendance
16 of continuing education in this field.

17 Sec. 13. Section 154.7, Code 2001, is amended to read as
18 follows:

19 154.7 NOTICE OF EXPIRATION.

20 Notice of expiration of the license to practice optometry
21 shall be given by the Iowa department of public health to all
22 certificate holders by mailing the notice to the last known
23 address of such licensee at least ~~seventy-five~~ sixty days
24 prior to the expiration date, and the notice shall contain a
25 statement of the educational program attendance requirement
26 and the amount of legal fee required as a condition to the
27 renewal of the license. Subject to the provisions of this
28 chapter, the license shall be renewed without examination.

29 Sec. 14. Section 154A.14, Code 2001, is amended to read as
30 follows:

31 154A.14 RECIPROCITY.

32 If the board determines that another state or jurisdiction
33 has requirements equivalent to or higher than those provided
34 in this chapter, the department may issue a license by
35 reciprocity to applicants who hold valid certificates or

1 licenses to ~~deal-in~~ dispense and fit hearing aids in the other
2 state or jurisdiction. An applicant for a license by
3 reciprocity is not required to take a qualifying examination,
4 but is required to pay the license fee as provided in section
5 154A.17. The holder of a license of reciprocity is registered
6 in the same manner as the holder of a regular license. Fees,
7 grounds for renewal, and procedures for the suspension and
8 revocation of license by reciprocity are the same as for a
9 regular license.

10 Sec. 15. Section 158.9, unnumbered paragraph 3, Code 2001,
11 is amended by striking the unnumbered paragraph.

12 Sec. 16. Section 714.16, subsection 1, paragraph e, Code
13 2001, is amended to read as follows:

14 e. "Contaminant" means any particulate, chemical,
15 microbiological, or radiological substance in water which has
16 a potentially adverse health effect and for which a maximum
17 contaminant level (MCL) or treatment technique requirement or
18 an action level established in lieu of a maximum contaminant
19 level (MCL), has been specified in the national primary
20 drinking water regulations.

21 Sec. 17. Section 714.16, subsection 2, paragraph h,
22 subparagraph (3), subparagraph subdivision (c), Code 2001, is
23 amended to read as follows:

24 (c) Performance and test data including, but not limited
25 to, the list of contaminants certified to be reduced by the
26 water treatment system; the test influent concentration level
27 of each contaminant or surrogate for that contaminant; the
28 percentage reduction or effluent concentration of each
29 contaminant or surrogate; where applicable, the maximum
30 contaminant level (MCL) or a treatment technique requirement
31 or an action level established in lieu of a maximum
32 contaminant level (MCL) specified in the national primary
33 drinking water regulations; where applicable, the approximate
34 capacity in gallons; where applicable, the period of time
35 during which the unit is effective in reducing contaminants

1 based upon the contaminant or surrogate influent
2 concentrations used for the performance tests; where
3 applicable, the flow rate, pressure, and operational
4 temperature of the water during the performance tests.

5 Sec. 18. Section 158.11, Code 2001, is repealed.

6 Sec. 19. Sections 154A.1, 154A.2, 154A.4, 154A.9, 154A.13,
7 154A.18, 154A.19, 154A.20, 154A.21, 154A.23, 154A.24, and
8 154A.25, Code 2001, are amended by striking the word "dealer"
9 or "dealers" and inserting the word "dispenser" or
10 "dispensers".

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19 health may provide a per diem to public members serving on ad
20 hoc advisory boards. The bill provides for the addition of a
21 penalty provision for a person regulated pursuant to the lead
22 hazard notification process under Code section 135.105C. The
23 bill provides that the regulation of spas does not apply to
24 facilities utilized exclusively for supervised medical
25 purposes. The bill provides that the Iowa department of
26 public health may retain fees established and collected by the
27 department relating to administering Code chapter 135I
28 governing swimming pools and spas.

29 The bill provides for the addition of registered nurse and
30 licensed practical nurse profession titles to the list of
31 titles protected pursuant to Code section 147.74. The bill
32 provides for the ability of the Iowa department of public
33 health to provide certain health professional licensure
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1 continuing education requirements for optometry, and provides
2 that the preexpiration notice deadline shall be changed from
3 75 days to 60 days for individuals licensed to practice
4 optometry. The bill provides for the substitution of the term
5 hearing aid "dispenser" for the term "dealer" throughout Code
6 chapter 154A.

7 The bill provides for changes to the regulation of potable
8 water purification systems. The bill provides for the
9 elimination of outdated provisions regarding the licensure of
10 barber assistants.

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**HOUSE FILE 649
FISCAL NOTE**

A fiscal note for **House File 649** is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 649 provides for the designation of gamma hydroxybutyric acid (GHB) as a controlled substance, allows the Director of the Iowa Department of Public Health to provide a per diem to public members serving on ad hoc advisory boards, and for the addition of a penalty provision relating to the lead hazard notification process under Section 135.105C, Code of Iowa. House File 649 also makes technical and corrective changes to the administration of programs under the purview of the Department of Public Health and related professional health licensing and regulatory boards.

ASSUMPTIONS

1. Currently the Department of Public Health collects fees for registration of pools and spas, review of plans of new or remodeled pools and spas, and for training provided to operators of pools and spas. Fees collected by the Department vary from year to year. Based on an average of fees collected over the last three fiscal years, the Department may expect to collect approximately \$99,000 annually.
2. Currently fees collected are deposited into the General Fund. The purposed legislation would allow the Department to retain the fees collected rather than depositing them into the General Fund.

FISCAL IMPACT

House File 649 is expected to reduce revenues to the General Fund by approximately \$99,000 annually.

SOURCE

Iowa Department of Public Health

(LSB 1231hV, RIT)

FILED MARCH 26, 2001

BY DENNIS PROUTY, FISCAL DIRECTOR