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## HOUSE REPUBLICAN STAFF ANALYSIS

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Bill: House File 467  
Committee: Human Resources  
Floor Manager: Representative Linda Miller  
Date: July 14, 2011  
Staff: Brad Trow (1-3471)

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### Department of Public Health Policy Amendments

House File 467 is the annual proposal from the Iowa Department of Public Health for changes to their Code chapters.

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### Summary of Action

**Committee Action** – The Human Resources Committee **PASSED** House Study Bill 90 (House File 467) on a vote of 14-7 on February 23, 2011.  
**House Action** – The House **ADOPTED** House File 467 on a vote of 97-0 on March 21, 2011.  
**Senate Action** – The Senate **ADOPTED** House File 322 on a vote of 50-0 on April 5, 2011.  
**Final Action** – The Governor **SIGNED** House File 322 on April 14, 2011.

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### Section by Section Analysis

#### DIVISION I – Tobacco Enforcement

**Section 1** – The section amends Iowa Code section 142A.1 – Tobacco Use Prevention and Control Partnership – purpose and intent – by striking the reference to promoting compliance by minors and retailers with tobacco sales laws and ordinances.

**Section 2** – The section amends Iowa Code section 142A.2 by striking the definition of “retailer” in subsection 10.

**Section 3** – The section amends Iowa Code section 142A.3 (3)(a), by revising the membership of the Tobacco Use Prevention and Control Commission. The section removes the retailer representative from the Commission and a representative of law enforcement.

**Section 4** – The section amends Iowa Code section 142A.3 by striking subsection (5)(e), which has the Alcoholic Beverages Division assign a liaison to the Commission.

**Section 5** – The section amends Iowa Code section 142A.4 by striking subsections 14 and 17. This removes from the duties of the Commission the responsibility to approve contracts with ABD for

enforcement of tobacco laws and regulations, and ensuring that there are sufficient resources to promote and ensure compliance with tobacco laws and regulations.

**Section 6** – The section amends Iowa Code section 142A.5 (1)(e), by striking from the duties of the director of tobacco use prevention and control the power to enter into contracts with ABD for enforcement.

**Section 7** – The section amends Iowa Code section 142A.5 (2)(f) by striking the requirement that the director coordinate their efforts with ABD.

**Section 8** – The section amends Iowa Code section 142A.6 (2)(e), by striking increased compliance from the list of initiatives that the Division is to implement.

**Section 9** – The section amends Iowa Code section 142A.6 (3)(c), by striking a reference to data showing increased compliance with tobacco sales laws and regulations.

**Section 10** – The section amends Iowa Code section 142A.7(1)(f), by striking an enforcement program from the elements of the tobacco use prevention and control initiative.

**Section 11** – The section amends Iowa Code section 142A.8 (4)(d), by striking the requirement for law enforcement involvement in local tobacco use prevention partnerships.

**Section 12** – The section amends Iowa Code section 142A.9 (3) by striking the reference to enforcement in the youth program subsection.

**Section 13** – The section amends Iowa Code section 453A.2 (4,6,7) – Persons Under Legal Age - by changing references to the Department of Public Health to the Alcoholic Beverages Division of the Department of Commerce.

**Section 14** – The section amends Iowa Code section 453A.13 (2)(c), which requires ABD, a city, or a county to submit a duplicate of an application for a distributor, wholesaler, or retailer permit for tobacco sales to the Department of Public Health. The new language has the copy sent to ABD, who shall provide DPH with a list of all current retail permits on a quarterly basis.

**Section 15** – The section amends Iowa Code section 453A.22 (2) by changing references to the Department of Public Health to the Alcoholic Beverages Division of the Department of Commerce.

**Section 16** – The section amends Iowa Code section 453A.22 (7) by changing references to the Department of Public Health to the Alcoholic Beverages Division of the Department of Commerce.

**Section 17** – The section amends Iowa Code section 453A.47A(6) which requires cities and counties to submit copies of retailer permit applications to the Department of Public Health. The new language has the copy sent to ABD, who shall provide DPH with a list of all current retail permits on a quarterly basis.

## **DIVISION II – Communicable and Infectious Diseases and Poisonings**

**Section 18** – The section amends the definitions of “contagious or infectious disease” and “exposure” in Iowa Code section 139A.2.

**Section 19** – The section creates a new definition in 139A.2 for “significant exposure”.

**Section 20** – The section amends Iowa Code section 139A.19 – care provider notification - by clarifying that exposure covered by the section also includes those situations that occur at a clinic or other health facility. Currently, the section only addresses situations that occur in a hospital, Dept. of Corrections facility, or a jail.

The section also requires a facility that is conducting a test to notify the subject of the test that they are being tested and to notify the Department.

**Section 21** – The section revises Iowa Code section 139A.33, which sets out the local board of health’s duties in sexually-transmitted disease cases. Currently, local boards of health are required to determine the source and spread of a reported STD case. Instead, the new language creates a voluntary partner notification program similar to what currently exists for HIV exposure. The notification program would be administered by the Department, but it is granted authority to delegate this function to local boards of health or other health care providers.

### **DIVISION III – AIDS UPDATE**

**Section 22** – The section revises a number of definitions in Iowa Code section 141A.1.

**Section 23** – The section creates a new definition in Iowa Code section 141A.1 for “exposure”.

**Section 24** – The section amends Iowa Code section 141A.2 (5) by updating the references to HIV to current terminology.

**Section 25** – The section amends Iowa Code section 141A.3 (2) by updating the references to HIV to current terminology.

**Section 26** – The section amends Iowa Code section 141A.4 (1) by adding to the list of those who are at risk of HIV infection, and to whom HIV testing and education are to be offered to. The section adds males who have had sexual relations with other males.

**Section 27** – The section amends Iowa Code section 141A.5 (2) (c) (1) (a) by updating the references to HIV to current terminology.

**Section 28** – The section amends Iowa Code section 141A.6 (1) to clarify that the requirement to provide information about HIV testing and other information is for those undergoing the test voluntarily. The section also updates HIV references to current terminology.

**Section 29** – The section amends Iowa Code section 141A.9 (2) (i) - who is authorized to receive HIV testing information - by adding a reference to Iowa Code section 915.42. This section provides victims of sexual assault with the right to force the convicted or alleged assailant to undergo an HIV test.

**Section 30** – The section amends Iowa Code section 141A.9 (3) to allow certain HIV testing information to be released for research purposes, in a manner that does not violate a person’s confidentiality.

**Section 31** – The section amends Iowa Code section 141A.10 (2) by updating HIV references to current terminology.

**Section 32** – the section repeals Iowa Code section 141A.8, which was the care provider notification provision.

## **DIVISION V- Miscellaneous Provisions**

**Section 33** – The section amends Iowa Code section 135.11 (13) to revise the language authorizing the Department to administer certain senior health programs. Recently, the state Auditor questioned some of the program decisions related to this provision as the language in the Code and the annual Health and Human Services Appropriations bill did not match up.

**Section 34** – The section amends Iowa Code 135A.5 (1) to clarify that the evaluation committee for the Public Health Modernization Act is responsible for developing the evaluation of the program, not development of the program.

**Section 35** – The section repeals Iowa Code section 135.162, thus eliminating the Department's Clinicians Advisory Panel.

**Section 36** – The section would allow for the creation of a pilot project about verification of prescriptions. Currently, pharmacists in a retail pharmacy must verify the work of a pharmacy technician. In an institutional setting (hospital, nursing home) a pharmacy technician can check the work of another technician. The section would allow the Board of Pharmacy to have a pilot project allowing a pharmacy technician in a retail pharmacy to check the work of another technician. The pilot would last 18 months and the Board would report to the Legislature on its findings.