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## AROUND THE CAPITOL

The House and Senate both met in gavel-in, gavel-out sessions before adjourning until Monday afternoon. Two committees met today, but most legislators had already left the Capitol to beat the snow. The Senate Health & Human Services Committee met in the afternoon, and passed out five bills: [SF 219 TATTOO PERMIT REQUIREMENTS](#), [SSB 1044 DIRECT HEALTH CARE SERVICES](#), [SSB 1103 EPINEPHRINE AUTO-INJECTORS](#), [SSB 1104 PSYCHIATRIC FELLOWSHIPS](#) and [SSB 1139 SENATE HEALTH PROGRAMS](#). The House Health & Humans Services Committee has passed out two of the companion bills ([HSB 24 DIRECT HEALTH CARE SERVICES](#), waiting for a successor number and [HF 274 PSYCHIATRIC FELLOWSHIPS](#)). [SSB 1139 SENATE HEALTH PROGRAMS](#) is similar to Governor Reynolds health care proposals but does not include over-the-counter contraceptives. Representative Konfrst said that Democrats support including over-the-counter contraceptive and said that they are willing to work with the Governor and other Republicans to find the support needed to pass the proposal.

Governor Reynolds signed [HF 161](#) in the afternoon. Governor Reynolds released a statement on the bill signing:

Today, Iowa joins the majority of U.S. states by enacting commonsense medical malpractice reform that places a reasonable cap on non-economic damages. Protecting our health care system from out-of-control verdicts promotes access to care in communities across our state and better positions us to recruit the best and brightest physicians to Iowa.

Representative Konfrst said the bill hurts injured Iowans by limiting their right to let a jury determine damages and that it lacks provisions to make sure the caps will lower medical malpractice rates.

### **[HF 161 NON-ECONOMIC DAMAGES](#)**

Caps non-economic damages against health care providers with a soft cap at \$250,000, and a cap of \$1 million for substantial or permanent loss of bodily function, substantial disfigurement or death or loss of pregnancy. Makes the cap \$2 million if a hospital is one of the parties. Deems losses related to dependent care to be economic damage. **Cap Increases:** Increases the damage caps currently in law and in the bill by 2.1% annually after 2028. Requires the Insurance Commissioner to update the caps annually. **Medical Error:** Directs the HSS to convene a task force to look at medical errors by doctors and to make recommendations on how to reduce errors and whether current penalties are sufficient. Requires the report by January 2024. Specifies the membership of the task force.

The **House PASSED** the bill 54-46 (2/8)

The **Senate PASSED** the bill 29-20 (2/8)

## TODAY IN THE LEGISLATURE

**Bills Signed by the Governor: (1)**

**House Files: 4 (HF 334 - HF 337)**

**House Study Bills: 2 (HSB 172 - HSB 173)**

**Senate Files: 10 (SF 315 - SF 323)**

**Senate Study Bills: none (last introduced SSB 1162)**

**Resolutions INTRODUCED in the Senate: (1)**

**[SJR 9](#) VOTING AGE 18 (State Government; Successor to [SSB 1109](#)) FM: *Cournoyer***

Proposes amendment to lower the voting age in the Iowa Constitution to 18.

## HOUSE COMMITTEE ACTION

**House Judiciary Committee Voted Out (1)**

**[HSB 140](#) JUVENILE JUSTICE PROGRAMS**

Strikes juvenile justice changes made in 2022. Requires the Judicial Branch to develop services for juvenile justice and delinquency, subject to money. Includes guidelines. **PASSED** 15-1; FM: *A Meyer*

The Senate Judiciary Committee has already approved the bill ([SF 285](#) JUVENILE JUSTICE PROGRAMS) and Senator Reichman is handling the bill in the Senate.

## SENATE COMMITTEE ACTION

**Senate Health & Human Services Committee: Voted Out (5)**

**[SF 219](#) TATTOO PERMIT REQUIREMENTS**

Prohibits the HHS from requiring that an applicant for a tattoo permit show proof of graduating from a HS or college or from completing a GED. **PASSED** 8-2; FM: *Alons*

**[SSB 1044](#) DIRECT HEALTH CARE SERVICES**

Defines direct services for health care agencies/entities and includes services by nurses, nurse's aides, medication aide and medication managers. Excludes janitorial, housekeeping and meal preparation and various other licensed health care professionals, including PAs, physical therapists, speech pathologist and audiologists. Excludes certain contract work by health care workers that meets certain conditions. Retroactive to 2019. **PASSED** 10-0; FM: *Costello*

**[SSB 1103](#) EPINEPHRINE AUTO-INJECTORS**

Allows a pharmacist to dispense an epinephrine auto-injector without a prescription to a person who is 18 and the pharmacist has previously given the person an auth-injector. Requires the pharmacist to instruct the person to contact emergency medical services and to give notice to the person's primary health care provider. Gives immunity to pharmacists for good-faith actions. Requires the BOP and the BOM to adopt rules. Makes definitions. **AMENDED & PASSED** 10-0; FM: *Edler*

## SENATE COMMITTEE ACTION (CONTINUED)

### Senate Health & Human Services Committee: Voted Out (continued)

#### SSB 1104 PSYCHIATRIC FELLOWSHIPS

Renames the State Psychiatric residency program as the State Funded Psychiatry Residency and Fellowship program. Requires the UI Hospitals and Clinics to administer the program for nine residents and two fellowships. Continues various aspects of the program and awards \$150,000 for the fellowships. **PASSED** 10-0; *FM: Costello*

#### SSB 1139 SENATE HEALTH PROGRAMS

**MOMS:** Includes men in pregnancy support services, including a list of covered services. Appropriates \$2 million for support services for fathers. Deems the money to not revert. **Grants:** Appropriates \$1 million to HHS for FY 2024 to award four grants to encourage collaboration among regional health care centers. **Fellowships:** Requires the HHS to create four obstetrics fellowships for underserved areas in the state. Includes implementing provisions. **Baby Leave:** Gives a parent who is a state employee and who gives birth to or adopts a child four weeks of paid leave, and one week if the parent. **Adoption:** Caps non-recurring adoption expenses at \$1,000. **Iowa Scholarships:** Make all foster children under age 26 eligible for scholarships. **PASSED** 8-2; *FM: Edler*

## HOUSE SUBCOMMITTEE ASSIGNMENTS

### COMMERCE

HF 324 CHILD RESTRAINT SYSTEM LOSSES Young (C), Judge, Nordman

### EDUCATION

HF 233 ESA ENROLLMENT INTENTION Gehlbach (C), Hora, Matson

HF 283 HOME SCHOOL REQUIREMENTS Gustoff (C), Boden, Cahill

### JUDICIARY

HF 321 SEXUAL OFFENSES AGAINST MINORS Nordman (C), A Meyer, Wessel-Kroeschell

## SENATE SUBCOMMITTEE ASSIGNMENTS

### JUDICIARY

SF 296 SCHOOL MH TRAINING Rozenboom (C), Kraayenbrink, Trone Garriott

## HOUSE FILES (HF 334 – HF 337)

### **HF 334 CENTERING PREGNANCY REIMBURSEMENTS** (**Bergan**) (Health & Human Services)

Requires HHS to seek federal approval for Medicaid reimbursements for group prenatal care for organizations using the Centering Pregnancy model. Includes various requirements to be reimbursed for such services. Makes definitions.

### **HF 335 RESTRICTED FARM CDLS** (**Transportation**; Successor to [HSB 27](#)) *FM: Wulf*

Strikes current provisions exempting various agricultural drivers from CDL requirements. Requires the DOT to issue a restricted CDL to certain agricultural drivers. Waives skills and knowledge test requirements but imposes requirements for a good driving record, limits the miles and areas a driver with a restricted CDL can operate and limits the restricted CDL to 210 days. Establishes an \$8 fee for restricted CDLS. See [SF 156](#)

### **HF 336 ARTICLE V COMMISSIONERS** (**State Government**; Successor to [HF 34](#)) *FM: J Wills*

Prohibits a commissioner to an Article V constitutional convention from proposing amendments not authorized by the state or from voting for unauthorized amendments. Requires commissioners to take an oath and allows for the removal of commissioners who violate the oath. Makes violations a simple misdemeanor.

### **HF 337 REFRIGERANTS** (**State Government**; Successor to [HSB 148](#)) *FM: Harris*

Allows the use of any federally approved refrigerant so long as the refrigerant is used according to federal safety standards. See [SF 320](#)

## HOUSE STUDY BILLS (HSB 172 – HSB 173)

### **HSB 172 TRIBES AS JUSTICE AGENCIES** (Judiciary) **Dunwell** (C), **Collins**, **Srinivas**

Adds federally recognized Indian tribes to the definition of criminal and juvenile justice agencies.

### **HSB 173 CARRYING GUNS** (Public Safety) **Holt** (C), **B Meyer**, **P Thompson**

**DOC:** Excludes guns and ammo carried in a locked trunk in a car parked in a public lot from prohibitions on carrying contraband unto DOC facilities. **Work:** Bars employers from prohibiting employees from carrying guns and ammo in a locked car trunk. Makes the employer immune from any claim arising from such guns. **Schools:** Allows a school to authorize an employee to carry guns and ammo in a school vehicle. Authorizes a person with a valid carry permit who is making a delivery, or picking up or dropping off a person, to have a concealed gun but requires the gun remain in the vehicle and that the vehicle remain in specific parts of the school parking areas. Allows a retired peace officer to carry a gun on school grounds if the peace officer retired in good standing and has maintained certification and standards for handling guns. **Colleges:** Prohibits the regent universities and community colleges from prohibiting carrying dangerous weapons in vehicles if the weapon is not visible outside the vehicle, unless otherwise prohibited by law. Includes guns, various knives and tasers as dangerous weapons. Requires the Insurance Commissioner to adopt rules to prohibit insurance companies from denying insurance to a school solely because of someone lawfully carrying a gun. **Cars:** Repeals certain prohibitions against carrying guns in cars. **Permits:** Strikes certain requirements for an officer to immediately revoke or reinstate a carry permit for an arrest for a disqualifying offense. **State Fair:** Allows the State Fair to restrict carrying guns if the Fair takes screening measures and has armed security. **Snow/ATV:** Strikes restrictions on carrying loaded guns on snowmobiles and ATVs. **Casinos:** Requires R & G rules to allow a casino to authorize a person to have a gun on casino property.

## SENATE FILES (SF 314 – SF 321)

### **SF 314 SUPERVISOR ELECTIONS** (**Driscoll**) (Local Government)

Requires counties with a population of 60,000 or more to use Plan Three (districts) to elect supervisors. Eliminates the option for counties to use Plan Two to elect supervisors as of 2024. Requires supervisor vacancies to be filled through a special election.

### **SF 315 RAW MILK** (**State Government**; Successor to [SSB 1107](#)) FM: **Schultz**

Allows the sale of raw milk and raw milk products by raw milk dairies. Limits raw milk dairies to ten animals or less and prohibits pasteurizing or grading the milk. Requires sales be made at the dairy or delivered to a location specified by the buyer. Prohibits resale. Includes requirements for veterinarian testing. Requires retention of health records and requires buyers be allowed to inspect records. Prohibits home food establishments from selling raw milk and raw milk products. Makes definitions. Includes enforcement provisions.

### **SF 316 VETERINARIAN IMMUNITY** (**State Government**; Successor to [SSB 1038](#)) FM: **Dawson**

Gives licensed veterinarians immunity for good-faith cooperation with police and civil authorities for various kinds of actions involving animals.

### **SF 317 WHISTLEBLOWER COMPLAINTS** (**State Government**; Successor to [SSB 1039](#)) FM: **Driscoll**

Gives the Ombudsman the discretion to decline to investigate a whistleblower complaint. Requires the decision to be in writing. Requires the Ombudsman to give any findings to a person or agency that is subject to the complaint.

### **SF 318 APPRENTICESHIPS** (**Workforce**; Successor to [SSB 1086](#)) FM: **Dickey**

Establishes an Office of Apprenticeship and an Iowa Apprenticeship Council in the DWD. Gives the Office various duties related to the registration of apprenticeships. Establishes the members of the Council, including the DWD director as an *ex officio* member. **Other:** Requires licensing authorities to grant licenses to persons who have successfully completed apprenticeship programs. Prohibits exams for apprentices that are different than the exam for other applicants. Divides training and administration responsibilities between sponsors of apprenticeship programs and employers.

### **SF 319 PRIVATE DRUG TESTING** (**Workforce**; Successor to [SSB 1141](#)) FM: **Dickey**

Allows employers to designate which positions are safety-sensitive positions. Allows various communications to be done through e-mail. Deems employers subject to civil remedies for certain violations. Requires that any attorney fees awarded to an employee be reasonable and gives the employee the burden of proof to do so. Strikes giving the employer the burden of proof in establishing that a request for a drug test met Code requirements.

### **SF 320 REFRIGERANTS** (**State Government**; Successor to [SSB 1122](#)) FM: **Brown**

Allows the use of any federally approved refrigerant so long as the refrigerant is used according to federal safety standards. See [HF 337](#)

### **SF 321 BOILER INSPECTIONS** (**Workforce**; Successor to [SSB 1073](#)) FM: **Dickey**

Allows any boiler or pressure vessel that is compliant with OSHA standards and that the owner can show such compliance and that is included as process safety management process equipment to qualify for specific inspection schedules. Allows the owner to request that the internal inspection schedule be set for more than four but not more than seven years. Requires the Labor Commissioner to give the owner notice of an intended denial and to allow the owner to address the reasons for the denial. Includes additional recordkeeping requirements for the longer schedule.

## SENATE FILES (SF 322 – SF 323)

### **SF 322 EDUCATION SAVINGS PLAN REPORTING** (Trone Garriott, 10 D's) (Education)

Requires parents applying for Education Savings Accounts include information on household income and size, race and ethnicity, the disability status of the pupil and if the pupil has an individualized learning plan. Requires the DOE or administrator to collect and anonymize the data and report to the Legislature. Requires other information from non-public schools to be collected and added to the reports, including on school demographics, reasons for student expulsions and withdrawals, and information on tuition and fees. Effective on enactment.

### **SF 323 EMPLOYEE VACCINATION STATUS** (Guth) (Workforce)

Prohibits an employer from asking an employer about vaccination status or infectious disease test results or from testing for infectious diseases, except where in compliance with federal or international law. Establishes civil penalties and allows actions for personal injury by an employee for a third or subsequent violation. Prohibits disqualifying an employee from UE benefits if the employee is fired for not answering questions. Requires the Labor Commissioner to adopt rules to enforce the provisions, including holding hearings and conducting investigations.