

Bills Passing the Senate

The following bills passed out of the Senate last week:

Grain Indemnity Fund: This bill would modernize the state's Grain Indemnity Fund by increasing the size of the fund to reflect modern crop production and pricing and expands the fund's coverage to include credit-sale contracts. It is aimed to keep the fund balance between \$5 million and \$12 million.

Agriculture Curriculum: Allows schools to let 2 of the 5 units of science that a school must offer and teach for grades 9-12 be instruction related to agriculture. Also allows the 2 additional units of math required to be offered and taught in grades 9-12 (separate from the other 4 required sequential units of math) to include instruction related to applied sciences, technology, engineering, or manufacturing.

Breast Exams: Requires insurance coverage for mammograms, ultrasound breast exams, and MRI breast exams that screen for cancer.

Palm Prints: Palm prints will now be required instead of just fingerprints for serious crimes.

Trespassing: Raises the fines for knowingly trespassing upon someone else's property while hunting deer.

Looting: Creates the crime of looting, which is defined as intentional entry, without authorization by 2 or more people acting in joint criminal conduct to damage or remove property. Penalties are determined by the value of the property damaged or stolen. In addition, the affected business may bring a civil action against any looter.

Constitutional Amendment: This constitutional amendment states the tax on income shall be imposed at a single flat rate as opposed to a graduated rate. It does not specify what the rate shall be. That would be as the legislature decides. This is the initial step to a process that a constitutional amendment must go through to actually become part of the Iowa constitution.

Cannabidiol Dispensaries: Increases the allowable number of cannabidiol dispensaries from 5 to 10. This will increase the access for cannabidiol products for those with medical cannabidiol cards.

Hemp Product Regulation: This bill was brought to us by law enforcement and increases regulation and oversight of Iowa's consumable hemp law. Despite current regulations, consumable hemp products still have the ability to become intoxicating and there are not adequate provisions under current law to deal with this.

This bill requires that a hemp product's maximum THC (substance that causes a "high") is .3% or 4 mg per serving and 10mg per container. It would be a violation of the law for a person under 21 to sell, give, distribute, purchase, possess, or consume a consumable hemp product. A retail seller of a consumable hemp product must register with the Dept. of Health and Human Services (HHS). It is a criminal offense to sell a consumable hemp product without having registered with HHS. A registered hemp producer cannot create a synthetic consumable hemp product.

This is a totally separate issue from the medical cannabidiol program established several years ago, which allows a patient with certain qualifying conditions and with doctor approval, to be issued a medical cannabidiol card and be allowed to access cannabidiol at the 5, now soon to be 10, dispensaries around the state. In this program the amount of THC was already regulated by the state. However, the hemp program did not have its THC amount regulated enough and so with this bill we hope to adequately regulate the amount of THC in hemp-derived products.

Immunity from Liability for Chemical Manufacturers –This bill removes the ability of a person to sue and protects the manufacturer of a pesticide, insecticide, or herbicide from being sued under a "duty to warn" claim. A "duty to warn" means companies are obligated to warn users of the damaging or deadly effects of their product and if they don't, and a user is harmed, a user can sue. This bill removes the ability of a user to sue under a "duty to warn" claim.

This bill was requested by Bayer (Monsanto) in response to continued and ongoing lawsuits over Roundup and its alleged link to cancer.

Current federal law says a company's products must have a compliant EPA or Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) warning label in order to be sold in the U.S. With the changes in this legislation, a user cannot sue if the user has developed damaging or deadly bodily conditions (as long as the product is not defective, been manufactured correctly, and the user has handled the product per the label).

However, the label on Roundup does not say it is carcinogenic (meaning it causes cancer) because studies so far have produced conflicting results and so are inconclusive. Some lawsuits have been successful with cancer patients claiming that the company failed to warn that Roundup is carcinogenic and being able to prove that. To date, the company hasn't put a warning on the label on Roundup, presumably because studies are inconclusive so far. Across the country, Bayer has won and sometimes the cancer patient has won.

An additional issue is that the only viable way it appears for a patient to sue Bayer has been under a "Duty to Warn" claim, saying that Roundup is carcinogenic and that the warning was not on the label. And under this legislation, that "Duty to Warn" claim, the only practically viable way for a patient to sue, is being cut off.

Concluding Thoughts: The bill, for all practical purposes, cuts off the ability of cancer patients to hold the company accountable and to have a chance at getting justice. I did not think that was compatible with the Iowa constitution's right to a jury trial and the goals of our judicial system. As a result, I voted No. But the bill still passed the Senate.

A company should be held responsible for their products. Does the company have studies showing the link between Roundup and cancer?? We don't know. But lawsuits can force the truth out. And what about the EPA?? Does that agency have studies that have not been brought out in the open?? We don't know. But again, lawsuits can force the truth out.

During debate some argued that farms are so dependent on Roundup that agriculture and chemical companies will suffer tremendously if a link should be proven conclusively that Roundup causes cancer and sales of Roundup and other chemicals drop sharply to the point of the companies going out of business. I'm not convinced that would happen. I believe agriculture would continue to use chemicals even if it was discovered conclusively that a link exists between cancer and chemicals. It would then

become recommended that a warning be put on the label and preventative measures (like personal protective equipment – PPE, for example) be taken by users in handling the chemicals. And those chemicals would then continue to be used, and perhaps even improved and made safer if that were possible – because.....there will always be a demand for food.

Feel free to contact me with ideas, thoughts, and concerns. My phone is 319-987-3021 or you can email me at sandy.salmon@legis.iowa.gov . I want to hear what you are thinking and will listen to your input. Together we will work to make a difference for the future of Iowa. Thank you very much for the honor of representing you!

Sincerely,

Sandy