

number equal to at least three percent of the registered voters of the bond issuer is filed, asking that the question of issuing the bonds be submitted to the registered voters, the governing body shall either by resolution declare the proposal to issue the bonds to have been abandoned or shall direct the county commissioner of elections to call a special election upon the question of issuing the bonds. The proposition of issuing bonds under this subsection is not approved unless the vote in favor of the proposition is equal to at least sixty percent of the vote cast. If a petition is not filed, or if a petition is filed and the proposition of issuing the bonds is approved at an election, the governing body acting on behalf of the issuer may proceed with the authorization and issuance of the bonds. Bonds may be issued for the purpose of refunding outstanding and previously issued bonds under this subsection without otherwise complying with the provisions of this subsection.

Sec. 36. Section 468.514, Code 2001, is amended to read as follows:  
468.514 BALLOTS — PETITION FOR PRINTED BALLOTS.

Candidates for drainage district trustee shall have their names placed on printed ballots provided a petition therefor is signed by ten qualified ~~electors~~ voters of the district and filed with the clerk of the board at least twenty-five days but not more than sixty-five days before the election. Space shall also be provided on the ballot for write-in votes.

Sec. 37. Section 602.1216, Code 2001, is amended to read as follows:  
602.1216 RETENTION OF CLERKS OF THE DISTRICT COURT.

A clerk of the district court shall stand for retention in office, in the county of the clerk's office, upon the petition of ~~signed by eligible electors~~ residing in the county equal in number to at least ten percent of all ~~qualified electors~~ registered voters in the county to the state commissioner of elections, at the judicial election in 1988 and every four years thereafter, under sections 46.17 through 46.24. The petition shall be filed in the office of the state commissioner not later than one hundred twenty days before the general election. A clerk who is not retained in office is ineligible to serve as clerk, in the county in which the clerk was not retained, for the four years following the retention vote.

Sec. 38. Section 722.7, subsection 9, Code 2001, is amended to read as follows:  
9. Refuses or rejects the vote of any ~~qualified~~ registered voter.

Approved April 19, 2001

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## CHAPTER 57

### ADOPTIONS — INTERSTATE LEGAL RISK PLACEMENTS AND STANDBY PROCEDURES

H.F. 567

**AN ACT** relating to adoption including providing for standby adoptions and providing for a legal risk waiver in interstate adoptions.

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

Section 1. NEW SECTION. 232.158A LEGAL RISK PLACEMENT.

1. Notwithstanding any provision of the interstate compact on the placement of children to the contrary, the department of human services shall permit the legal risk placement of a child under the interstate compact on the placement of children, if the prospective adoptive parent provides a legal risk statement, in writing, acknowledging all of the following:

- a. That the placement is a legal risk placement.
- b. That the court of the party state of the sending agency retains jurisdiction over the child for purposes of the termination of the parental rights of the biological parents.
- c. That if termination of parental rights cannot be accomplished in accordance with applicable laws, the child shall be promptly returned to the party state of the sending agency to be returned to the child's biological parent or placed as deemed appropriate by a court of the party state of the sending agency.
- d. That the prospective adoptive parent assumes full legal, financial, and other risks associated with the legal risk placement and that the prospective adoptive parent agrees to hold the department of human services harmless for any disruption or failure of the placement.
- e. That the prospective adoptive parent shall provide support and medical and other appropriate care to the child pending the termination of parental rights of the biological parents and shall assume liability for all costs associated with the return of the child to the party state of the sending agency if the placement is disrupted or fails.

2. Any written legal risk statement utilized in establishing a legal risk placement shall, at a minimum, state all of the information required under subsection 1, shall be signed by any prospective adoptive parent, and shall be notarized. The legal risk statement shall also contain the following notice printed in clearly legible type: If termination of parental rights is not accomplished and return of the child to the biological parent is required, the prospective adoptive parents are encouraged to seek mental health counseling to address any resulting psychological or family problems.

3. For the purposes of this section, "legal risk placement" means the placement of a child, who is to be adopted, with a prospective adoptive parent prior to the termination of parental rights of the biological parents, under which the prospective adoptive parent assumes the risk that, if the parental rights of the biological parents are not terminated, the child shall be returned to the biological parents or placed as deemed appropriate by a court of the party state of the sending agency, and under which the prospective adoptive parent assumes other risks and liabilities specified in a written agreement.

Sec. 2. Section 600.3, subsection 2, Code 2001, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. A termination of parental rights order is not required prior to the filing of an adoption petition if the adoption is a standby adoption as defined in section 600.14A.

Sec. 3. Section 600.6, Code 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 5. In the case of a standby adoption as defined in section 600.14A, a form completed by the terminally ill parent consenting to termination of parental rights and adoption of the child by a person or persons specified in the consent form, effective at a future date when the terminally ill parent of the child has died or requests that a final adoption decree be issued.

Sec. 4. Section 600.13, subsection 1, Code 2001, is amended by adding the following new paragraph after paragraph b and relettering the subsequent paragraph:

NEW PARAGRAPH. bb. Issue a standby adoption decree pursuant to section 600.14A.

Sec. 5. NEW SECTION. 600.14A STANDBY ADOPTION.

1. As used in this section:

a. "Standby adoption" means an adoption in which a terminally ill parent consents to termination of parental rights and the issuance of a final adoption decree effective upon the occurrence of a future event, which is either the death of the terminally ill parent or the request of the parent for the issuance of a final adoption decree.

b. "Terminally ill parent" means an individual who has a medical prognosis by a licensed physician that the individual has an incurable and irreversible condition which will lead to death.

2. A terminally ill parent may consent to termination of parental rights and adoption of a child under a standby adoption if the other parent of the child is not living or the other parent has previously had the parent's parental rights terminated.

3. A person who meets the qualifications to file an adoption petition pursuant to section 600.4 may file a petition for standby adoption. A standby adoption shall comply with the requirements of sections 600.7 through 600.12. However, the court may order that the completion of placement investigations and reports be expedited based on the circumstances of a particular case. The court may waive the minimum residence period requirement pursuant to section 600.10 to expedite the standby adoption if necessary.

4. If a consent to a standby adoption is attached to an adoption petition pursuant to section 600.6, the court determines that the requirements of this chapter relative to a standby adoption are met, and the court determines that the standby adoption is in the best interest of the child to be adopted, the court shall issue a standby adoption decree or a final adoption decree. However, the terminally ill parent's parental rights shall not be terminated and the standby adoption shall not be finalized until the death of the terminally ill parent or the request of the terminally ill parent for issuance of the final adoption decree.

5. A standby adoption decree shall become final upon notice of the death of the terminally ill parent or upon the terminally ill parent's request that a final adoption decree be issued. If the court determines at the time of the notice or request that the standby adoption is still in the best interest of the child, the court shall issue a final adoption decree.

Approved April 20, 2001

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## CHAPTER 58

### PUBLIC HEALTH REGULATION

S.F. 433

**AN ACT** relating to certain programs and public health issues under the purview of the Iowa department of public health, and providing a penalty.

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

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

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

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

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

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

25. Establish ad hoc and advisory committees to the director in areas where technical expertise is not otherwise readily available. Members may be compensated for their actual and necessary expenses incurred in the performance of their duties. To encourage health consumer participation, public members may also receive a per diem as specified in section