

CHAPTER 1
ORGANIZATION

[Prior to 7/27/88, see Substance Abuse, Iowa Department of[805] Ch 1]

643—1.1(125) Definitions. Unless otherwise indicated, the following definitions shall apply to the specific terms used in these rules:

“*Chemical dependency*” means an addiction or dependency either physical or psychological, on a chemical substance. Persons who take medically prescribed drugs shall not be considered chemically dependent if the drug is medically prescribed and the intake is proportionate to the medical need.

“*Chemical substance*” means alcohol, wine, spirits and beer as defined in Iowa Code chapter 123 and drugs as defined in Iowa Code section 203A.2, subsection 3, which when used improperly could result in chemical dependency.

“*Commission*” means the commission on substance abuse.

“*Department*” means the Iowa department of public health.

“*Director*” means the director of the Iowa department of public health.

“*Division*” means the division of substance abuse.

“*Facility*” means a hospital, institution, detoxification center, or installation providing care, maintenance and treatment for substance abusers and licensed by the department under Iowa Code section 125.13 as amended by Acts of the Sixty-seventh General Assembly, chapter 74.

“*Incapacitated by a chemical substance*” means that a person, as a result of the use of a chemical substance, is unconscious or has judgment otherwise so impaired that the person is incapable of realizing and making a rational decision with respect to the need for treatment.

“*Incompetent person*” means a person who has been adjudged incompetent by a court of law.

“*Intoxicated person*” means a person whose mental or physical functioning is substantially impaired as a result of the use of a chemical substance.

“*Residence*” means the place where a person resides. For the purpose of determining the Iowa county, if any, is liable pursuant to Iowa Code chapter 125 for payments of costs attributable to its residents, the following rules shall apply:

1. If a person claims an Iowa homestead, then the person’s residence shall be in the county where that homestead is claimed, irrespective of any other factors.

2. If paragraph “1” does not apply, and the person continuously has been provided or has maintained living quarters within any county of this state for a period of not less than one year, whether or not at the same location within that county, then the person’s residence shall be in that county, irrespective of other factors. However, this paragraph shall not apply to unemancipated persons under 18 years of age who are wards of this state.

3. If paragraphs “1” and “2” do not apply, or, if the person is under 18 years of age, is unemancipated, and is a ward of this state, then the person shall be unclassified with respect to county of residence, and payment of all costs shall be made by the department as provided in Iowa Code chapter 125.

4. An unemancipated person under 18 years of age who is not a ward of the state shall be deemed to reside where the parent having legal custody, or the legal guardian, or legal custodian of that person has residence as determined according to this subsection.

5. The provisions of this subsection shall not be used in any case to which section 125.43 is applicable.

“*Substance abuser*” means a person who habitually lacks self-control as to the use of chemical substances or used chemical substances to the extent that the person’s health is substantially impaired or endangered or that the person’s social or economic function is substantially disrupted.

643—1.2 Rescinded, IAB 7/27/88, effective 8/31/88.

643—1.3(125) Commission.

1. All meetings are open to the public in accordance with the open meetings law, Iowa Code chapter 28A.

2. The chairperson may appoint committees of the commission as necessary to conduct the business of the commission. Committee meetings shall comply with Iowa Code chapter 28A.

3. The commission shall give no less than seven days advance public notice of the time and location of commission and committee meetings to the news media. In case of special meetings, at least three days advance public notice of the time and location of the special commission meeting shall be given to the news media.

4. Agenda items for commission meetings shall be submitted to the Division of Substance Abuse, Lucas State Office Building, Des Moines, Iowa 50319 at least 15 days prior to the commission meeting. With the consent of the majority of the commission present, special issues may be addressed.

This rule is intended to implement Iowa Code sections 125.3 to 125.7.

[Filed emergency 3/20/78—published 4/5/78, effective 3/20/78]

[Filed emergency after Notice 10/12/78, Notice 7/12/78—published 11/1/78,
effective 11/16/78]

[Filed emergency 3/26/82—published 4/14/82, effective 3/26/82]

[Filed 7/8/88, Notice 3/23/88—published 7/27/88, effective 8/31/88]