

March 5, 1970
Passed on File

Reprinted 3/12
SENATE FILE 1276

By COMMITTEE ON LAW ENFORCEMENT

Passed Senate, Date.....*3-11-70*..... Passed House, Date.....
Vote: Ayes.....*55*..... Nays.....*2*..... Vote: Ayes..... Nays.....
Approved.....

A BILL FOR

1 An Act relating to encouraging persons to seek treatment for
2 drug addiction or dependency.

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

4 Section 1. For the purposes of this Act, unless the context
5 clearly indicates a contrary intent:

6 1. "Medical practitioner" means a physician and surgeon or
7 osteopathic physician and surgeon licensed to practice medicine
8 in this state.

9 2. "Hospital" means a public or private hospital licensed
10 pursuant to the laws of this state or any employee, agent, or
11 representative thereof. "Hospital" includes a public agency
12 or a nonprofit agency or corporation providing treatment or
13 rehabilitation services and any employee, agent, or represen-
14 tative thereof, if the commissioner of public health has pre-
15 viously approved the program of treatment or rehabilitation
16 services offered by such public agency, nonprofit agency or
17 corporation.

18 3. "Drug" means a narcotic drug as defined in section two
19 hundred four point one (204.1), subsection ten (10) of the
20 Code, and a depressant or stimulant drug as defined in chapter
21 one hundred eighty-nine (189), section one (1), subsection six
22 (6), Acts of the Sixty-second General Assembly.

23 Sec. 2. A person may request treatment and rehabilitation
24 for addiction or dependency to any drug as defined in section
25 one (1) of this Act, from a medical practitioner or a hospi-

1 tal and such medical practitioner or hospital shall not re-
2 port or disclose the name of such person or the fact that
3 treatment was requested or has been undertaken to any law
4 enforcement officer or agency; nor shall such information be
5 admissible as evidence in any court, grand jury, or administra-
6 tive proceeding unless authorized by the person seeking treat-
7 ment. A medical practitioner or hospital may undertake the
8 treatment and rehabilitation of such person or refer such
9 person to another medical practitioner or hospital for such
10 purpose. If the person seeking such treatment or rehabilitation
11 is a minor, the fact that such minor sought treatment or
12 rehabilitation for such drug addiction or dependency, or that
13 he is receiving such treatment or rehabilitation service, shall
14 not be reported or disclosed to the parents or legal guardian
15 of such minor without his consent, and such minor may give legal
16 consent to receive such treatment and rehabilitation.

17 Sec. 3. A person seeking treatment or rehabilitation for
18 drug addiction or dependency shall first be examined and evalu-
19 ated by a medical practitioner. Such medical practitioner
20 shall prescribe a proper course of treatment and medication,
21 if needed. The treating medical practitioner may further
22 prescribe a course of treatment or rehabilitation and authorize
23 another medical practitioner or hospital to provide the pre-
24 scribed treatment or rehabilitation services. Treatment or
25 rehabilitation services may be provided to a person individually
26 or in a group. Any hospital providing or engaging in such
27 treatment or rehabilitation shall not report or disclose to a
28 law enforcement officer or agency the names of any person re-
29 ceiving or engaging in such treatment or rehabilitation; nor
30 shall any person receiving or participating in such treatment
31 or rehabilitation report or disclose the name of any other
32 person engaged in or receiving such treatment or rehabilitation
33 or that such program is in existence, to a law enforcement
34 officer or agency. Such information shall not be admitted in
35 evidence in any court, grand jury, or administrative proceeding.

1 However, any person engaged in or receiving such treatment or
2 rehabilitation may authorize the disclosure of his name and
3 individual participation.

4 Sec. 4. A medical practitioner may use any drug or medicine
5 approved by the federal drug administration to treat a person
6 addicted to or dependent on drugs as an inpatient or outpatient
7 or to maintain such person for a reasonable period of time
8 until proper treatment or rehabilitation for such addiction or
9 dependency can be obtained.

10 Sec. 5. Every medical practitioner or hospital that pro-
11 vides treatment or rehabilitation services to a person addicted
12 to or dependent upon drugs, shall on or before February first
13 of each year make a statistical report to the commissioner
14 of public health in such form and manner as the commissioner
15 shall prescribe for each such person treated or to whom re-
16 habilitation services were provided during the preceding
17 calendar year. The name or address of any person treated or
18 to whom rehabilitation services were provided shall not be
19 reported. Such report shall include the number of persons
20 treated or to whom rehabilitation services were provided; the
21 county of such person's legal settlement; the age of such
22 person; the medication prescribed, if any; number of such
23 persons treated as inpatients and the number treated as out-
24 patients; the number treated who had received previous treat-
25 ment or rehabilitation services; the number of such persons
26 who maintained their employment while receiving treatment or
27 rehabilitation services; the number of such persons who them-
28 selves or their family received public assistance during such
29 treatment or rehabilitation and the type of public assistance
30 received; and any other data required by the commissioner. If
31 treatment or rehabilitation services are provided to a person
32 by a hospital, public agency, nonprofit agency or corporation
33 medical practitioner, such hospital, agency or nonprofit
34 corporation shall coordinate with the treating medical practi-
35 tioner so that the statistical reports required in this section

- 1 shall not duplicate one another. The commissioner shall cause
- 2 all such reports to be compiled into one yearly report which
- 3 shall be a public record. The names and addresses of the re-
- 4 porting medical practitioners or hospitals shall not be a
- 5 public record unless authorized by the person or entity filing
- 6 the report.

EXPLANATION

This bill provides that any person may request treatment and rehabilitation for drug addiction or dependency. No medical practitioner or medical facility shall report or disclose the person's name to law enforcement agencies nor shall such evidence be submitted in evidence in any court, grand jury, or administrative proceeding. A minor may request treatment without the consent or knowledge of his parents or legal guardian, and his parents or legal guardian may receive such information only upon the consent of the minor being treated.

The bill also provides for the filing of statistical reports with the commissioner of public health.

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- 1 Amend Senate File 1276, page 4, line 2, by striking "one
 - 2 yearly report" and inserting in lieu thereof "quarterly
 - 3 reports".

Filed and adopted
March 11, 1970

By GAUDINEER

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- 1 Amend Senate File 1276, page 4, by adding after line 6
 - 2 the following new section:
 - 3 "Section two hundred four point one (204.1), Code 1966,
 - 4 subsection nine (9), is amended by inserting in line one (1)
 - 5 after the word 'means' the word 'sale,'."

Filed and adopted
March 11, 1970

By MOWRY

-
- 1 Amend Senate File 1276 by adding thereto the following
 - 2 new section:
 - 3 Any person who violates any provision of this Act shall,
 - 4 upon conviction, be fined not exceeding one hundred dollars,
 - 5 or imprisoned in the county jail not exceeding thirty days.

Filed and adopted
March 11, 1970

By O'MALLEY

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- 1 Amend the Gaudineer amendment, filed March 11, 1970, to Senate
 - 2 File 1276, line 3, by striking the word "sixteen" and inserting
 - 3 in lieu thereof "fourteen".

Filed and adopted
March 11, 1970

By THORSEN

- 1 Amend Senate File 1276, page 1, by inserting after the
- 2 period in line 22 a new sentence as follows:
- 3 "For the purpose of this Act the provisions hereof shall
- 4 be applicable to the treatment and rehabilitation of those
- 5 who are users of glue by means of inhalation, commonly known
- 6 as glue sniffing."

Filed and adopted
March 11, 1970

Senate

By MOWRY

- 1 Amend Senate File 1276 as follows:
- 2 1. Page 2, line 15, by inserting after the first use
- 3 of the word "minor" the words "if such minor is sixteen
- 4 years of age, or older,".
- 5 2. Page 3, line 5, by striking the words "approved
- 6 by the federal drug administration" and inserting in lieu
- 7 thereof the words "which shall be authorized or released
- 8 by a federal agency or authority with jurisdiction to so
- 9 act,".
- 10 3. Page 3, by striking from lines 12 and 13 the words
- 11 "on or before February first of each year" and by inserting
- 12 in lieu thereof the words "each quarter of every year, com-
- 13 mencing October 1, 1970,".
- 14 4. Page 3, line 17, by striking the words "calendar
- 15 year" and by inserting in lieu thereof the word "quarter".

Filed, division 1 amended and lost
division 2 adopted
March 11, 1970

Senate

By GAUDINEER

HOUSE AMENDMENT TO SENATE FILE 1276

1 Amend Senate File 1276, as amended and passed by the
2 Senate and reprinted, as follows:

3 1. Page 2, line 4, by inserting after the word
4 "practitioner" the following: "or any employee or
5 person acting under his direction or supervision,".

6 2. Page 2, line 4, by inserting after the word "or" the
7 word "any".

8 3. Page 3, line 21, by inserting after the word
9 "quarter." a new sentence as follows:

10 "The form of the report prescribed shall be furnished
11 by the commissioner of health and be so designed that
12 a carbon copy will be available which shall be sent
13 quarterly to the narcotics law-enforcement division of
14 the state, such report not to include doctor's signature."

15 4. Page 4, line 2, by striking the words "medical
16 practitioner".

Received from the House
April 8, 1970

*Senate
concurred
4/10*

1 Amend Senate File 1276, as amended and passed by the
2 Senate, page 1, line 8, by inserting after the word "state"
3 the words "or a psychologist".

Filed - *Withdrawn 4/7*
March 20, 1970

HANSEN of Black Hawk

House

1 Amend Senate File 1276, as amended, passed, and reprinted by the
2 Senate, as follows:
3 1. Page 2, line 4, by inserting after the word "practitioner" the
4 following: "or any employee or person acting under his direction
5 or supervision,".
6 2. Page 2, line 4, by inserting after the word "or" the word "any".
7 3. Page 4, line 2, by striking the words "medical practitioner".

Filed - *Adopted 4/7*
March 24, 1970

HANSEN of Black Hawk

House

1 Amend Senate File 1276, as passed by the Senate, page three (3),
2 line twenty-one (21), by inserting after the word "quarter." a
3 new sentence as follows:
4 "The form of the report prescribed shall be furnished by
5 the commissioner of health and be so designed that a carbon
6 copy will be available which shall be sent quarterly to the
7 narcotics law enforcement division of the state. Such report
8 not to include doctor's signature."

Offered from the floor and adopted
April 7, 1970

EDGINGTON of Franklin

House

March 12, 1970

SENATE FILE 1276

See Social Services 3/12, Pass 3/13

By COMMITTEE ON LAW ENFORCEMENT
(AS PASSED BY THE SENATE)

Passed Senate, Date 3-11-70 Passed House, Date 4-7-70

Vote: Ayes 55 Nays 0 Vote: Ayes 112 Nays 0

Approved.....

*Passed Senate as amended by House
4-10-70
aye 51, nays 0* **A BILL FOR**

1 An Act relating to encouraging persons to seek treatment for
2 drug addiction or dependency.

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

4 Section 1. For the purposes of this Act, unless the context
5 clearly indicates a contrary intent:

6 1. "Medical practitioner" means a physician and surgeon or
7 osteopathic physician and surgeon licensed to practice medicine
8 in this state.

9 2. "Hospital" means a public or private hospital licensed
10 pursuant to the laws of this state or any employee, agent, or
11 representative thereof. "Hospital" includes a public agency
12 or a nonprofit agency or corporation providing treatment or
13 rehabilitation services and any employee, agent, or represen-
14 tative thereof, if the commissioner of public health has pre-
15 viously approved the program of treatment or rehabilitation
16 services offered by such public agency, nonprofit agency or
17 corporation.

18 3. "Drug" means a narcotic drug as defined in section two
19 hundred four point one (204.1), subsection ten (10) of the
20 Code, and a depressant or stimulant drug as defined in chapter
21 one hundred eighty-nine (189), section one (1), subsection six
22 (6), Acts of the Sixty-second General Assembly. *For the*
23 *purpose of this Act the provisions hereof shall be applicable to the*
24 *and rehabilitation of those who are users of glue by means of in-*
25 *commonly known as glue sniffing.* *halation,*

1 Sec. 2. A person may request treatment and rehabilitation
2 for addiction or dependency to any drug as defined in section
3 one (1) of this Act, from a medical practitioner or a hospi-
4 tal and such medical practitioner or hospital shall not re-
5 port or disclose the name of such person or the fact that
6 treatment was requested or has been undertaken to any law
7 enforcement officer or agency; nor shall such information be
8 admissible as evidence in any court, grand jury, or administra-
9 tive proceeding unless authorized by the person seeking treat-
10 ment. A medical practitioner or hospital may undertake the
11 treatment and rehabilitation of such person or refer such
12 person to another medical practitioner or hospital for such
13 purpose. If the person seeking such treatment or rehabilitation
14 is a minor, the fact that such minor sought treatment or
15 rehabilitation for such drug addiction or dependency, or that
16 he is receiving such treatment or rehabilitation service, shall
17 not be reported or disclosed to the parents or legal guardian
18 of such minor without his consent, and such minor may give legal
19 consent to receive such treatment and rehabilitation.

20 Sec. 3. A person seeking treatment or rehabilitation for
21 drug addiction or dependency shall first be examined and evalu-
22 ated by a medical practitioner. Such medical practitioner
23 shall prescribe a proper course of treatment and medication,
24 if needed. The treating medical practitioner may further
25 prescribe a course of treatment or rehabilitation and authorize
26 another medical practitioner or hospital to provide the pre-
27 scribed treatment or rehabilitation services. Treatment or
28 rehabilitation services may be provided to a person individually
29 or in a group. Any hospital providing or engaging in such
30 treatment or rehabilitation shall not report or disclose to a
31 law enforcement officer or agency the names of any person re-
32 ceiving or engaging in such treatment or rehabilitation; nor
33 shall any person receiving or participating in such treatment
34 or rehabilitation report or disclose the name of any other
35 person engaged in or receiving such treatment or rehabilitation

1 or that such program is in existence, to a law enforcement
2 officer or agency. Such information shall not be admitted in
3 evidence in any court, grand jury, or administrative proceeding.
4 However, any person engaged in or receiving such treatment or
5 rehabilitation may authorize the disclosure of his name and
6 individual participation.

7 Sec. 4. A medical practitioner may use any drug or medicine
8 *which shall be authorized or released by a federal agency or authority*
9 *with jurisdiction to so act*, to treat a person
10 addicted to or dependent on drugs as an inpatient or outpatient
11 or to maintain such person for a reasonable period of time
12 until proper treatment or rehabilitation for such addiction or
13 dependency can be obtained.

14 Sec. 5. Every medical practitioner or hospital that pro-
15 vides treatment or rehabilitation services to a person addicted
16 to or dependent upon drugs, shall *each quarter of every year, com-*
17 *October 1, 1970, make a statistical report to the commissioner*
18 *of public health in such form and manner as the commissioner*
19 *shall prescribe for each such person treated or to whom re-*
20 *habilitation services were provided during the preceding*
21 *quarter. The name or address of any person treated or*
22 *to whom rehabilitation services were provided shall not be*
23 *reported. Such report shall include the number of persons*
24 *treated or to whom rehabilitation services were provided; the*
25 *county of such person's legal settlement; the age of such*
26 *person; the medication prescribed, if any; number of such*
27 *persons treated as inpatients and the number treated as out-*
28 *patients; the number treated who had received previous treat-*
29 *ment or rehabilitation services; the number of such persons*
30 *who maintained their employment while receiving treatment or*
31 *rehabilitation services; the number of such persons who them-*
32 *selves or their family received public assistance during such*
33 *treatment or rehabilitation and the type of public assistance*
34 *received; and any other data required by the commissioner. If*
35 *treatment or rehabilitation services are provided to a person*

1 by a hospital, public agency, nonprofit agency or corporation
2 medical practitioner, such hospital, agency or nonprofit
3 corporation shall coordinate with the treating medical practi-
4 tioner so that the statistical reports required in this section
5 shall not duplicate one another. The commissioner shall cause
6 all such reports to be compiled into *quarterly reports* which
7 shall be a public record. The names and addresses of the re-
8 porting medical practitioners or hospitals shall not be a
9 public record unless authorized by the person or entity filing
10 the report.

11 *Sec. 6. Section two hundred four point one (204.1), Code 1966,*
12 *subsection nine (9), is amended by inserting in line one (1) after the*
13 *word "means" the word "sale,".*

14 *Sec. 7. Any person who violates any provision of this Act shall,*
15 *upon conviction, be fined not exceeding one hundred dollars, or*
16 *imprisonment in the county jail not exceeding thirty days.*

EXPLANATION

This bill provides that any person may request treatment and rehabilitation for drug addiction or dependency. No medical practitioner or medical facility shall report or disclose the person's name to law enforcement agencies nor shall such evidence be submitted in evidence in any court, grand jury, or administrative proceeding. A minor may request treatment without the consent or knowledge of his parents or legal guardian, and his parents or legal guardian may receive such information only upon the consent of the minor being treated.

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