

MAR 26 1973

Reprinted 5/15
HOUSE FILE 489
By HARGRAVE

HUMAN RESOURCES *See per amendment 3/29*
House File 489
Readinger, Chairman
Miller of Calhoun
Brunow

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the testing for sickle cell anemia and
2 providing a penalty.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. DEFINITIONS. As used in this
2 Act, unless the context otherwise requires:

3 1. "Commissioner" means the commissioner of public health.

4 2. "Sickle cell anemia" includes the disease known as
5 sickle cell trait.

6 Sec. 2. NEW SECTION. BLOOD TEST REQUIRED. Every child
7 which the commissioner determines by rule to be susceptible
8 to sickle cell anemia shall be required to have a blood test.
9 Rules promulgated by the commissioner to carry out the pro-
10 visions of this Act shall include provisions for the prepara-
11 tion and distribution of educational materials relating to
12 sickle cell anemia. All state, district, county, and city
13 health or welfare agencies shall cooperate and participate
14 in the implementation of this section according to the rules
15 promulgated by the commissioner.

16 Sec. 3. NEW SECTION. SCREENING BY SCHOOLS. The board
17 of directors of a school corporation in this state may, upon
18 enrollment of a child for the first time in a public school,
19 require the parents, guardian, or any person having control
20 or custody of the child to furnish a written notice stating
21 whether the child has been tested for sickle cell anemia and
22 the results of the test. The board of directors shall re-
23 port the results of the screening to the state department
24 of health or the local board of health having jurisdiction,
25 as may be prescribed by the commissioner.

26 Sec. 4. NEW SECTION. PREMARITAL TEST. A blood test shall
27 be given to each applicant for a marriage license who is sus-
28 ceptible to sickle cell anemia as determined by the commis-
29 sioner for the purpose of ascertaining the existence of the
30 disease and notifying the applicant of the results of the
31 test. No applicant shall be denied a marriage license solely
32 on the ground that the test for sickle cell anemia proves
33 positive nor shall the absence of the test invalidate a mar-
34 riage. This section shall not apply to any person who re-
35 fuses to take the test because of religious beliefs.

1 Sec. 5. NEW SECTION. CONFIDENTIAL INFORMATION. All in-
2 formation obtained through the administration of this Act
3 which includes the identity of persons afflicted with sickle
4 cell anemia shall be confidential to the extent necessary
5 to prevent identification by the public of persons named in
6 the information.

7 Sec. 6. NEW SECTION. PENALTY. A person who violates
8 this Act shall, upon conviction, be punished by a fine of
9 not more than one hundred dollars, or by imprisonment in the
10 county jail for a period not to exceed thirty days, or by
11 both the fine and imprisonment.

EXPLANATION

12 The bill provides for preschool and premarital screening
13 for the existence of sickle cell anemia in persons suscepti-
14 ble to the disease.
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1 Amend House File 489 as follows:

2 1. Page 2, by striking lines 4 and 5 and inserting
3 in lieu thereof the following:

4 "2. 'Sickle cell anemia' means the disease commonly
5 referred to by that name.

6 "3. 'Sickle cell trait' means the presence in an
7 individual of the recessive gene which creates the pos-
8 sibility that the children of the individual, if the
9 other parent also has sickle cell trait, may be af-
10 flicted with sickle cell anemia."

11 2. Page 2, by striking from line 8 all after the
12 word "shall" and inserting in lieu thereof the words
13 "have the opportunity to be tested for the disease."

14 3. Page 2, by striking from line 10 all after the
15 word "for", striking all of line 11, and striking from
16 line 12 all before the period, and inserting in lieu
17 thereof the words "sickle cell anemia and sickle cell
18 trait education, testing and followup counseling".

19 4. Page 2, by striking from line 13 the word "or"
20 and inserting in lieu thereof the words ", education
21 and".

22 5. Page 2, by striking from line 17 all after the
23 word "state", striking all of lines 18 through 21,
24 inclusive, and striking from line 22 all before the
25 period, and inserting in lieu thereof the words "shall
26 make available on a voluntary basis sickle cell trait
27 education, testing and following counseling for all
28 junior and senior high school students which the
29 commissioner determines by rule to be possible carriers
30 of sickle cell trait. The cost of providing this service
31 shall not be the responsibility of the school corporation
32 except insofar as the services are provided by school
33 corporation employees in the course of their usual
34 duties".

35 6. Page 2, by inserting in line 23, after the word
36 "screening", the words "for statistical purposes".

37 7. Page 2, by striking from lines 27 and 28 the
38 words "susceptible to sickle cell anemia" and inserting
39 in lieu thereof the words "a potential carrier of sickle
40 cell trait".

41 8. Page 2, by striking from line 30 the word "dis-
42 ease" and inserting in lieu thereof the word "trait".

43 9. Page 2, by striking from line 32 the word "anemia"
44 and inserting in lieu thereof the word "trait".

EXPLANATION OF AMENDMENT

The Human Resources Committee amendment is intended to (1) distinguish more precisely between sickle cell anemia, a disease, and sickle cell trait, the presence of a recessive gene which may afflict the carrier's children with sickle cell anemia if the other parent is also a carrier of the trait, and (2) structure the various programs provided under the bill in the most effective way so that persons found to be carriers of the sickle cell trait can take this factor into account in making decisions regarding marriage and parenthood.

NOTE: The amendments to the bill require that the word "preschool" in line 13 on page 3 be read as "school" in order to make the explanation accurate with respect to the amended bill.

SENATE AMENDMENT TO HOUSE FILE 489

1 Amend House File 489, as amended and passed by the
2 House, by striking everything after the enacting
3 clause and inserting in lieu thereof the following:

4 Section 1. NEW SECTION. DEFINITIONS. As used
5 in this Act, unless the context otherwise requires:

6 1. "Commissioner" means the commissioner of
7 public health.

8 2. "Sickle cell anemia" means the disease
9 commonly referred to by that name.

10 3. "Sickle cell trait" means the presence in
11 an individual of the recessive gene which creates
12 the possibility that the children of the individual,
13 if the other parent also has sickle cell trait, may
14 be afflicted with sickle cell anemia.

15 Sec. 2. NEW SECTION. BLOOD TEST AVAILABLE.

16 The commissioner shall provide for a program that
17 gives every child who is determined to be susceptible
18 to sickle cell anemia or sickle cell trait an oppor-
19 tunity to be tested for the disease. The commis-
20 sioner shall determine by rule those children who are
21 susceptible to sickle cell anemia or sickle cell
22 trait for the purposes of this Act. All state,
23 district, county and city health agencies shall
24 cooperate and participate in the implementation of
25 this section, and the commissioner shall promulgate
26 rules providing for education, testing and counseling
27 with regard to sickle cell anemia and sickle cell
28 trait. No individual shall be discriminated against
29 in any way because of either taking or refusing to
30 take a test under this section.

31 Sec. 3. NEW SECTION. SCHOOL PROGRAMS.

32 The board of directors of a school corporation in
33 this state shall make available on a voluntary basis
34 sickle cell trait and sickle cell anemia education
35 and counseling for all elementary and secondary
36 students. This program shall also be made avail-
37 able, as far as practicable, to the general public.
38 The cost of providing this service shall not be the
39 responsibility of the school corporation except
40 insofar as the services are provided by school
41 corporation employees in the course of their usual
42 duties.

43 Sec. 4. NEW SECTION. PREMARITAL TEST.

44 Each applicant for a marriage license who has been
45 determined to be susceptible to sickle cell trait
46 shall have an opportunity to have their blood test,
47 taken under chapter five hundred ninety-six point
48 one (596.1) of the Code, analyzed for the purpose
49 of ascertaining the existence of the trait. The
50 commissioner shall promulgate rules to provide a

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March 15, 1974

51 method of implementing this section. No applicant
52 shall in any way be denied a marriage license or dis-
53 criminated against in any way because of either the
54 results of the test done under this section or the
55 refusal to take the test.

56 Sec. 5. NEW SECTION. CONFIDENTIAL INFORMATION.

57 All information obtained through the administration
58 of this Act, including all test results, medical
59 records and other information regarding screening,
60 counseling or treatment of any person treated,
61 shall be held in strict confidentiality, except for
62 (a) such information as the patient or his
63 guardian consents to be released, or in the case
64 of a minor, the parent or guardian, or (b) such
65 statistical data compiled without reference to the
66 identity of any patient.

67 Sec. 6. NEW SECTION. PENALTY. A person who
68 violates the confidentiality provision of this Act
69 shall be guilty of a misdemeanor and shall, upon
70 conviction, be punished by a fine of not more than
71 one hundred (100) dollars.

Received from the Senate
March 14, 1974

How concurred 3/19

HOUSE FILE 489

S-2364

1 Amend House File 489, as amended and passed by the
2 House, by striking everything after the enacting
3 clause and inserting in lieu thereof the following:

4 Section. NEW SECTION. DEFINITIONS. As used
5 in this Act, unless the context otherwise requires:

6 1. "Commissioner" means the commissioner of
7 public health.

8 2. "Sickle cell anemia" means the disease
9 commonly referred to by that name.

10 3. "Sickle cell trait" means the presence in
11 and individual of the recessive gene which creates
12 the possibility that the children of the individual,
13 if the other parent also has sickle cell trait, may
14 be afflicted with sickle cell anemia.

15 Sec. 2. NEW SECTION. BLOOD TEST AVAILABLE.
16 The commissioner shall provide for a program that
17 gives every child who is determined to be susceptible
18 to sickle cell anemia or sickle cell trait an oppor-
19 tunity to be tested for the disease. The commis-
20 sioner shall determine by rule those children who
21 are susceptible to sickle cell anemia or sickle cell
22 trait for the purposes of this Act. All state,
23 district, county and city health agencies shall
24 cooperate and participate in the implementation of
25 this section, and the commissioner shall promulgate

Page 2

1 rules providing for education, testing and counseling
2 with regard to sickle cell anemia and sickle cell
3 trait. No individual shall be discriminated against
4 in any way because of either taking or refusing to
5 take a test under this section.

6 Sec. 3. NEW SECTION. SCHOOL PROGRAMS.
7 The board of directors of a school corporation in
8 this state shall make available on a voluntary basis
9 sickle cell trait and sickle cell anemia education
10 and counseling for all elementary and secondary
11 students. This program shall also be made avail-
12 able, as far as practicable, to the general public.
13 The cost of providing this service shall not be the
14 responsibility of the school corporation except
15 insofar as the services are provided by school
16 corporation employees in the course of their usual
17 duties.

18 Sec. 4. NEW SECTION. PREMARITAL TEST.
19 Each applicant for a marriage license who has been
20 determined to be susceptible to sickle cell trait
21 shall have an opportunity to have their blood test,
22 taken under chapter five hundred ninety-six point one
23 (596.1) of the Code, analyzed for the purpose of
24 ascertaining the existence of the trait. The com-
25 missioner shall promulgate rules to provide a method

1 of implementing this section. No applicant shall in
2 any way be denied a marriage license or discriminated
3 against in any way because of either the results of
4 the test done under this section or the refusal to
5 take the test.

6 Sec. 5. NEW SECTION. CONFIDENTIAL INFORMATION.
7 All information obtained through the administration
8 of this Act, including all test results, medical
9 records and other information regarding screening,
10 counseling or treatment of any person treated, shall
11 be held in strict confidentiality, except for (a)
12 such information as the patient or his guardian
13 consents to be released, or in the case of a minor,
14 the parent or guardian, or (b) such statistical
15 data compiled without reference to the identity
16 of any patient.

17 Sec. 6. NEW SECTION. PENALTY. A person who
18 violates the confidentiality provision of this Act
19 shall be guilty of a misdemeanor and shall, upon
20 conviction, be punished by a fine of not more than
21 one hundred (100) dollars.

S—2364 Filed - *Adopted 3/12*
March 7, 1974

By COMMITTEE ON HUMAN RESOURCES

May 15, 1978

House File 489
Human Resources—
Murray, Chairman
Doderer
Wynant

5/15, Pass per 2564 3/4

HOUSE FILE 489

By HARGRAVE

AMENDED AND PASSED BY THE HOUSE)

Passed House, Date *5-14-73 (1306)* Passed Senate, Date *3-12-74 (232)*

Vote: Ayes *28* Nays *0* Vote: Ayes *42* Nays *0*

Approved *48-74*

Passed as amended by Senate

3-19-74 (1075)

82-0

A BILL FOR

- 1 An Act relating to the testing for sickle cell anemia and
- 2 providing a penalty.
- 3 *Be It Enacted by the General Assembly of the State of Iowa:*

1 Section 1. *NEW SECTION.* DEFINITIONS. As used in this
2 Act, unless the context otherwise requires:

3 1. "Commissioner" means the commissioner of public health.

4 2. "Sickle cell anemia" means the disease commonly
5 referred to by that name.

6 3. "Sickle cell trait" means the presence in an
7 individual of the recessive gene which creates the
8 possibility that the children of the individual, if the
9 other parent also has sickle cell trait, may be afflicted
10 with sickle cell anemia.

11 Sec. 2. *NEW SECTION.* BLOOD TEST REQUIRED. Every
12 child
13 which the commissioner determines by rule to be susceptible
14 to sickle cell anemia shall have the opportunity to be
15 tested for the disease.

16 Rules promulgated by the commissioner to carry out the pro-
17 visions of this Act shall include provisions for sickle
18 cell anemia and sickle cell trait education, testing and
19 followup counseling.

20 All state, district, county, and city
21 health, education and

22 welfare agencies shall cooperate and participate
23 in the implementation of this section according to the rules
24 promulgated by the commissioner.

25 Sec. 3. *NEW SECTION.* SCREENING BY SCHOOLS. The
26 board

27 of directors of a school corporation in this state shall
28 make available on a voluntary basis sickle cell trait
29 education, testing and followup counseling for all junior
30 and senior high school students which the commissioner
31 determines by rule to be possible carriers of sickle cell
32 trait. The cost of providing this service shall not be
33 the responsibility of the school corporation except insofar
34 as the services are provided by school corporation employees
35 in the course of their usual duties.

36 The board of directors shall re-
37 port the results of the screening for statistical purposes

36 to the state department
37 of health or the local board of health having jurisdiction,
38 as may be prescribed by the commissioner.

39 Sec. 4. *NEW SECTION.* PREMARITAL TEST. A blood test shall

40 be given to each applicant for a marriage license who is a
41 potential carrier of sickle cell trait

42 as determined by the commis-
43 sioner for the purpose of ascertaining the existence of the
44 trait and notifying the applicant of the results of the
45 test. No applicant shall be denied a marriage license solely
46 on the ground that the test for sickle cell trait proves
47 positive nor shall the absence of the test invalidate a mar-
48 riage. This section shall not apply to any person who re-
49 fuses to take the test because of religious beliefs.

