

(p. 327) 2/16/93
Sub. Comm. - Human Res.
Szymoniak, Bartz, Judge

See link
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(p. 312) 2/15/93 Human Res.
(p. 387) 2/23/93 Do Pass
(p. 472) 3.2.93 Motion to Rk by Vern
(p. 770) 3.22.93 Motion Szymoniak
LOST

SENATE FILE 117

BY SZYMONIAK
(p. 775) 3/23/93 House - Human Res.

(p. 467)
Passed Senate Date 3-2-93
Vote: Ayes 38 Nays 11

(p. 1407)
Passed House, Date 4-19-93
Vote: Ayes 97 Nays 1

Approved May 4, 1993

A BILL FOR

1 An Act to amend the title and scope and responsibilities of the
2 council on chemically exposed infants to include children.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF117

1 Section 1. Section 235C.1, Code 1993, is amended to read
2 as follows:

3 235C.1 COUNCIL CREATED -- PURPOSE.

4 A council on chemically exposed infants and children is
5 established as a subcommittee of the committee on maternal and
6 child health of the community health division of the Iowa
7 department of public health. The purpose of the council is to
8 help the state develop and implement policies to reduce the
9 likelihood that infants will be born chemically exposed, and
10 to assist those who are born chemically exposed to grow and
11 develop in a safe environment.

12 As used in this chapter, a "chemically exposed infant or
13 child" is an infant or child who shows evidence of exposure to
14 or the presence of alcohol, cocaine, heroin, amphetamine,
15 methamphetamine, or other illegal drugs or combinations or
16 derivatives thereof which were not prescribed by a health
17 practitioner.

18 Sec. 2. Section 235C.2, unnumbered paragraph 1, Code 1993,
19 is amended to read as follows:

20 The council on chemically exposed infants and children
21 shall be composed of the following members:

22 Sec. 3. Section 235C.3, subsection 1, Code 1993, is
23 amended to read as follows:

24 1. DATA COLLECTION. The council shall assemble relevant
25 materials regarding the extent to which infants born in Iowa
26 are chemically exposed, the services currently available to
27 meet the needs of chemically exposed infants ~~born-who-are~~
28 ~~chemically-exposed~~ and children, and the costs incurred in
29 caring for chemically exposed infants ~~born-who-are-chemically~~
30 ~~exposed~~ and children, including both costs borne directly by
31 the state and costs borne by society.

32 Sec. 4. Section 235C.3, subsection 3, Code 1993, is
33 amended to read as follows:

34 3. IDENTIFICATION. The council shall develop
35 recommendations regarding state programs or policies to

1 increase the identification of chemically exposed infants and
2 children.

3 Sec. 5. Section 235C.3, subsection 4, unnumbered paragraph
4 1, and paragraph a, Code 1993, are amended to read as follows:

5 The council shall seek to improve effective treatment
6 services within the state for chemically exposed infants and
7 children. As part of this responsibility, the council shall
8 make recommendations which shall include, but are not limited
9 to, the following:

10 a. Identification of programs available within the state
11 for serving chemically exposed infants, children, and their
12 families.

13 Sec. 6. Section 235C.3, subsection 5, Code 1993, is
14 amended to read as follows:

15 5. CARE AND PLACEMENT. The council shall work with the
16 department of human services to expand appropriate placement
17 options for chemically exposed infants and children who have
18 been abandoned by their parents or cannot safely be returned
19 home. As part of this responsibility, the council shall do
20 all of the following:

21 a. Assist the department of human services in developing
22 rules to establish specialized foster care services that can
23 attract foster parents to care for chemically exposed infants
24 and children.

25 b. Identify additional services, such as therapeutic day
26 care services, that may be needed to effectively care for
27 chemically exposed infants and children.

28 c. Review the need for residential programs designed to
29 meet the needs of chemically exposed infants and children.

30 As an additional part of the responsibility, the council
31 shall determine whether a problem exists with respect to
32 substance abuse treatment providers and physicians
33 discriminating against pregnant women in providing treatment
34 or prenatal care.

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EXPLANATION

1 This bill provides for the addition of children to the
2 scope and title of the council on chemically exposed infants.

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SENATE FILE 117

S-3075

1 Amend Senate File 117 as follows:

2 1. Page 2, by inserting after line 34 the
3 following:

4 "Sec. 100. TREATMENT FUNDING APPLICATION DEADLINE
5 DELAYED. This section relates to the deadline date
6 established by the Iowa department of public health,
7 division of substance abuse and health promotion, for
8 applications for funding of comprehensive outpatient,
9 residential, and halfway treatment services in the
10 memorandum issued by the division on January 7, 1993,
11 to applicants for treatment funds. Notwithstanding
12 the application deadline date of February 25, 1993, as
13 established in the memorandum, the application
14 deadline date shall be on or after May 15, 1993, and
15 any other dates established by the division relating
16 to applications for treatment funds shall be revised
17 to accommodate the change in the application deadline.
18 If the effective date of this Act is after February
19 25, 1993, the division shall accept and consider
20 applications beginning on the effective date of this
21 Act and continuing through May 15, 1993.

22 Sec. 2. EFFECTIVE DATE. Section 100 of this Act,
23 being deemed of immediate importance, takes effect
24 upon enactment."

25 2. Title, line 2, by inserting after the word
26 "children" the following: ", and relating to
27 treatment funding and providing an effective date".

By BERL E. PRIEBE
JIM LIND

S-3075 FILED MARCH 2, 1993
RULED OUT OF ORDER

SENATE FILE 117

S-3118

1 Amend the amendment, S-3074, to Senate File 117 as
2 follows:

3 1. Page 1, by striking lines 36 through 40 and
4 inserting the following: of such a report. The
5 positive result shall constitute a showing of probable
6 cause under section 232.71, subsection 3, but shall
7 not be used in any criminal prosecution of the natural
8 mother of the a child who is less than seven days old.
9 ~~and-shall-not-represent-grounds-for-a~~".

By ELAINE SZYMONIAK

S-3118 FILED MARCH 11, 1993

SENATE FILE 117

S-3074

1 Amend Senate File 117 as follows:

2 1. Page 1 by inserting before line 1 the
3 following:

4 "Section 1. Section 232.2, subsection 6, Code
5 1993, is amended by adding the following new
6 paragraph:

7 NEW PARAGRAPH. o. Whose parent's, guardian's, or
8 custodian's actions or omissions have resulted in the
9 presence in the child of an illegal drug which was not
10 prescribed for the child by a health practitioner.

11 Sec. 2. Section 232.68, subsection 2, Code 1993,
12 is amended by adding the following new paragraph:

13 NEW PARAGRAPH. e. The acts or omissions of a
14 person responsible for the care of a child which
15 result in the presence of an illegal drug in the child
16 which was not prescribed for the child by a health
17 practitioner.

18 Sec. 3. Section 232.77, subsection 2, Code 1993,
19 is amended to read as follows:

20 2. If a health practitioner discovers in a child
21 under one year of age physical or behavioral symptoms
22 of the effects of exposure to cocaine, heroin,
23 amphetamine, methamphetamine, or other illegal drugs,
24 or combinations or derivatives thereof, which were not
25 prescribed by a health practitioner, or if the health
26 practitioner has determined through examination of the
27 natural mother of the child that the child was exposed
28 in utero, the health practitioner may perform or cause
29 to be performed a medically relevant test, as defined
30 in section 232.73, on the child. The practitioner
31 shall report any positive results of such a test on
32 the child to the department, ~~unless the natural mother~~
33 ~~has shown good faith in seeking appropriate care and~~
34 ~~treatment.~~ The department shall begin an
35 investigation pursuant to section 232.71 upon receipt
36 of such a report. ~~The positive result shall~~
37 ~~constitute a showing of probable cause under section~~
38 ~~232.71, subsection 3, but shall not be used in any~~
39 ~~criminal prosecution of the natural mother of the~~
40 ~~child, and shall not represent grounds for a~~
41 ~~determination of child abuse."~~

42 2. Title page, line 1, by striking the words "to
43 amend" and inserting the following: "relating to
44 children who are exposed to illegal drugs by including
45 such children under the definitions of a child in need
46 of assistance and child abuse under certain
47 circumstances and by amending".

48 3. By renumbering as necessary.

By ELAINE SZYMONIAK

S-3074 FILED MARCH 2, 1993

ADOPTED

SENATE FILE 117
FISCAL NOTE

A fiscal note for Senate File 117, as passed by the Senate, is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 117 amends the title, scope, and responsibilities of the Council on Chemically Exposed Infants. The Bill provides for the addition of children to the scope and title of the Council. Additionally, a provision is deleted which currently exempts a health practitioner from making a child abuse report if the mother is making a good faith effort in seeking appropriate care and treatment.

ASSUMPTIONS:

1. The Bill would increase the number of referrals to Child Protection Investigations (CPI) by approximately 500 investigations. Approximately 50.0% (250) of the investigations would become Family Centered Service cases.
2. Approximately 75.0% (188) of the Family Centered Service cases would result in Children in Need of Assistance (CINA) petitions. Approximately 50.0% (94) of these petitions would involve emergency removal procedures. The entire process would require approximately 470 hearings, including 6 month reviews. The courts are currently conducting these kinds of cases, and many of them involve the same families that would be further affected by this legislation. No additional funding is included for the courts.
3. Individual Family Centered Services cases are assumed to continue for an average of 15 months.
4. The Department of Public Health would not require any additional funds to administer the Council on Chemically Exposed Infants and Children.
5. This estimate does not take into account any changes in demand for foster care, Title IX, or other forms of public assistance.
6. Federal funds are available for Family Centered Services. The State's share of the services would be approximately 29.1%. The State's share of CPI investigations would be approximately 87.3%.

FISCAL IMPACT:

The net fiscal impact of Senate File 117 is a cost to the General Fund of \$370,901 in FY 1994, \$833,022 in FY 1995, and \$872,862 in FY 1996 and each subsequent year. Family Centered Services would require salaries and support 27.0 FTE positions in FY 1994, 75.0 FTE positions in FY 1995, and 79.0 FTE positions in FY 1996 and each subsequent year. Investigations would require salaries and support for 3.5 FTE positions in FY 1994 and each subsequent year.

-2-

SOURCES:

Department of Human Services
Department of Public Health
Judicial Branch

(LSB 1780ss, JAM)

FILED MARCH 31, 1993

BY DENNIS PROUTY, FISCAL DIRECTOR

1 Section 1. Section 232.2, subsection 6, Code 1993, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. o. Whose parent's, guardian's, or
4 custodian's actions or omissions have resulted in the presence
5 in the child of an illegal drug which was not prescribed for
6 the child by a health practitioner.

7 Sec. 2. Section 232.68, subsection 2, Code 1993, is
8 amended by adding the following new paragraph:

9 NEW PARAGRAPH. e. The acts or omissions of a person
10 responsible for the care of a child which result in the
11 presence of an illegal drug in the child which was not
12 prescribed for the child by a health practitioner.

13 Sec. 3. Section 232.77, subsection 2, Code 1993, is
14 amended to read as follows:

15 2. If a health practitioner discovers in a child under one
16 year of age physical or behavioral symptoms of the effects of
17 exposure to cocaine, heroin, amphetamine, methamphetamine, or
18 other illegal drugs, or combinations or derivatives thereof,
19 which were not prescribed by a health practitioner, or if the
20 health practitioner has determined through examination of the
21 natural mother of the child that the child was exposed in
22 utero, the health practitioner may perform or cause to be
23 performed a medically relevant test, as defined in section
24 232.73, on the child. The practitioner shall report any
25 positive results of such a test on the child to the
26 department, unless the natural mother has shown good faith in
27 seeking appropriate care and treatment. The department shall
28 begin an investigation pursuant to section 232.71 upon receipt
29 of such a report. The positive result shall constitute a
30 showing of probable cause under section 232.71, subsection 3,
31 but shall not be used in any criminal prosecution of the
32 natural mother of the child, and shall not represent grounds
33 for a determination of child abuse.

34 Sec. 4. Section 235C.1, Code 1993, is amended to read as
35 follows:

1 235C.1 COUNCIL CREATED -- PURPOSE.

2 A council on chemically exposed infants and children is
3 established as a subcommittee of the committee on maternal and
4 child health of the community health division of the Iowa
5 department of public health. The purpose of the council is to
6 help the state develop and implement policies to reduce the
7 likelihood that infants will be born chemically exposed, and
8 to assist those who are born chemically exposed to grow and
9 develop in a safe environment.

10 As used in this chapter, a "chemically exposed infant or
11 child" is an infant or child who shows evidence of exposure to
12 or the presence of alcohol, cocaine, heroin, amphetamine,
13 methamphetamine, or other illegal drugs or combinations or
14 derivatives thereof which were not prescribed by a health
15 practitioner.

16 Sec. 5. Section 235C.2, unnumbered paragraph 1, Code 1993,
17 is amended to read as follows:

18 The council on chemically exposed infants and children
19 shall be composed of the following members:

20 Sec. 6. Section 235C.3, subsection 1, Code 1993, is
21 amended to read as follows:

22 1. DATA COLLECTION. The council shall assemble relevant
23 materials regarding the extent to which infants born in Iowa
24 are chemically exposed, the services currently available to
25 meet the needs of chemically exposed infants ~~born-who-are~~
26 ~~chemically-exposed~~ and children, and the costs incurred in
27 caring for chemically exposed infants ~~born-who-are-chemically~~
28 ~~exposed~~ and children, including both costs borne directly by
29 the state and costs borne by society.

30 Sec. 7. Section 235C.3, subsection 3, Code 1993, is
31 amended to read as follows:

32 3. IDENTIFICATION. The council shall develop
33 recommendations regarding state programs or policies to
34 increase the identification of chemically exposed infants and
35 children.

1 Sec. 8. Section 235C.3, subsection 4, unnumbered paragraph
2 1, and paragraph a, Code 1993, are amended to read as follows:

3 The council shall seek to improve effective treatment
4 services within the state for chemically exposed infants and
5 children. As part of this responsibility, the council shall
6 make recommendations which shall include, but are not limited
7 to, the following:

8 a. Identification of programs available within the state
9 for serving chemically exposed infants, children, and their
10 families.

11 Sec. 9. Section 235C.3, subsection 5, Code 1993, is
12 amended to read as follows:

13 5. CARE AND PLACEMENT. The council shall work with the
14 department of human services to expand appropriate placement
15 options for chemically exposed infants and children who have
16 been abandoned by their parents or cannot safely be returned
17 home. As part of this responsibility, the council shall do
18 all of the following:

19 a. Assist the department of human services in developing
20 rules to establish specialized foster care services that can
21 attract foster parents to care for chemically exposed infants
22 and children.

23 b. Identify additional services, such as therapeutic day
24 care services, that may be needed to effectively care for
25 chemically exposed infants and children.

26 c. Review the need for residential programs designed to
27 meet the needs of chemically exposed infants and children.

28 As an additional part of the responsibility, the council
29 shall determine whether a problem exists with respect to
30 substance abuse treatment providers and physicians
31 discriminating against pregnant women in providing treatment
32 or prenatal care.

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SENATE FILE 117

3790

Amend Senate File 117, as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, by striking lines 3 through 6, and inserting the following:

"NEW PARAGRAPH. o. In whose body there is an illegal drug present as a direct and foreseeable consequence of the acts or omissions of the child's parent, guardian, or custodian."

2. Page 1, by striking lines 9 through 12, and inserting the following:

"NEW PARAGRAPH. e. An illegal drug is present in a child's body as a direct and foreseeable consequence of the acts or omissions of the child's parent, guardian, or custodian."

3. Page 1, lines 15 and 16, by striking the words "under one year of age" and inserting the following: "under-one-year-of-age".

4. Page 1, line 33, by inserting after the word "abuse:" the following: "A positive test result shall not be used for the criminal prosecution of a parent for acts and omissions resulting in intrauterine exposure of the child to an illegal drug."

By COMMITTEE ON HUMAN RESOURCES
PLASIER of Sioux, Chairperson

3790 FILED APRIL 7, 1993

*Adopted
4-19-93
(P. 1407)*

SENATE FILE 117

H-4206

Amend Senate File 117 as follows:

1. Page 3, by inserting after line 32, the following:

"Sec. ____ . APPROPRIATION. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For costs to implement the provisions of sections 1, 2, and 3 of this Act:

..... \$ 370,901".

2. Title page, line 5, by inserting after the word "children" the following: "and providing an appropriation".

3. By renumbering as necessary.

By HAMMOND of Story

H-4206 FILED APRIL 26, 1993

*lost
4/28/99*

(P. 1780)

HOUSE AMENDMENT TO
SENATE FILE 117

S-3673

1 Amend Senate File 117, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by striking lines 3 through 6, and
4 inserting the following:
5 "NEW PARAGRAPH. o. In whose body there is an
6 illegal drug present as a direct and foreseeable
7 consequence of the acts or omissions of the child's
8 parent, guardian, or custodian."
9 2. Page 1, by striking lines 9 through 12, and
10 inserting the following:
11 "NEW PARAGRAPH. e. An illegal drug is present in
12 a child's body as a direct and foreseeable consequence
13 of the acts or omissions of the child's parent,
14 guardian, or custodian."
15 3. Page 1, lines 15 and 16, by striking the words
16 "under one year of age" and inserting the following:
17 "under-one-year-of-age".
18 4. Page 1, line 33, by inserting after the word
19 "abuse-" the following: "A positive test result shall
20 not be used for the criminal prosecution of a parent
21 for acts and omissions resulting in intrauterine
22 exposure of the child to an illegal drug."

RECEIVED FROM THE HOUSE

S-3673 FILED APRIL 28, 1993
CONCURRED

SENATE FILE 117

AN ACT

RELATING TO CHILDREN WHO ARE EXPOSED TO ILLEGAL DRUGS BY INCLUDING SUCH CHILDREN UNDER THE DEFINITIONS OF A CHILD IN NEED OF ASSISTANCE AND CHILD ABUSE UNDER CERTAIN CIRCUMSTANCES AND BY AMENDING THE TITLE AND SCOPE AND RESPONSIBILITIES OF THE COUNCIL ON CHEMICALLY EXPOSED INFANTS TO INCLUDE CHILDREN.

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

Section 1. Section 232.2, subsection 6, Code 1993, is amended by adding the following new paragraph:

NEW PARAGRAPH. o. In whose body there is an illegal drug present as a direct and foreseeable consequence of the acts or omissions of the child's parent, guardian, or custodian.

Sec. 2. Section 232.68, subsection 2, Code 1993, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. An illegal drug is present in a child's body as a direct and foreseeable consequence of the acts or omissions of the child's parent, guardian, or custodian.

Sec. 3. Section 232.77, subsection 2, Code 1993, is amended to read as follows:

2. If a health practitioner discovers in a child under one year-of-age physical or behavioral symptoms of the effects of exposure to cocaine, heroin, amphetamine, methamphetamine, or other illegal drugs, or combinations or derivatives thereof, which were not prescribed by a health practitioner, or if the health practitioner has determined through examination of the natural mother of the child that the child was exposed in utero, the health practitioner may perform or cause to be performed a medically relevant test, as defined in section 232.73, on the child. The practitioner shall report any positive results of such a test on the child to the

~~department, unless the natural mother has shown good faith in seeking appropriate care and treatment. The department shall begin an investigation pursuant to section 232.71 upon receipt of such a report. The positive result shall constitute a showing of probable cause under section 232.71, subsection 3, but shall not be used in any criminal prosecution of the natural mother of the child, and shall not represent grounds for a determination of child abuse. A positive test result shall not be used for the criminal prosecution of a parent for acts and omissions resulting in intrauterine exposure of the child to an illegal drug.~~

Sec. 4. Section 235C.1, Code 1993, is amended to read as follows:

235C.1 COUNCIL CREATED -- PURPOSE.

A council on chemically exposed infants and children is established as a subcommittee of the committee on maternal and child health of the community health division of the Iowa department of public health. The purpose of the council is to help the state develop and implement policies to reduce the likelihood that infants will be born chemically exposed, and to assist those who are born chemically exposed to grow and develop in a safe environment.

As used in this chapter, a "chemically exposed infant or child" is an infant or child who shows evidence of exposure to or the presence of alcohol, cocaine, heroin, amphetamine, methamphetamine, or other illegal drugs or combinations or derivatives thereof which were not prescribed by a health practitioner.

Sec. 5. Section 235C.2, unnumbered paragraph 1, Code 1993, is amended to read as follows:

The council on chemically exposed infants and children shall be composed of the following members:

Sec. 6. Section 235C.3, subsection 1, Code 1993, is amended to read as follows:

1. DATA COLLECTION. The council shall assemble relevant materials regarding the extent to which infants born in Iowa are chemically exposed, the services currently available to meet the needs of chemically exposed infants ~~born-who-are-chemically-exposed~~ and children, and the costs incurred in caring for chemically exposed infants ~~born-who-are-chemically-exposed~~ and children, including both costs borne directly by the state and costs borne by society.

Sec. 7. Section 235C.3, subsection 3, Code 1993, is amended to read as follows:

1. IDENTIFICATION. The council shall develop recommendations regarding state programs or policies to increase the identification of chemically exposed infants and children.

Sec. 8. Section 235C.3, subsection 4, unnumbered paragraph 1, and paragraph a, Code 1993, are amended to read as follows:

The council shall seek to improve effective treatment services within the state for chemically exposed infants and children. As part of this responsibility, the council shall make recommendations which shall include, but are not limited to, the following:

a. Identification of programs available within the state for serving chemically exposed infants, children, and their families.

Sec. 9. Section 235C.3, subsection 5, Code 1993, is amended to read as follows:

5. CARE AND PLACEMENT. The council shall work with the department of human services to expand appropriate placement options for chemically exposed infants and children who have been abandoned by their parents or cannot safely be returned home. As part of this responsibility, the council shall do all of the following:

a. Assist the department of human services in developing rules to establish specialized foster care services that can attract foster parents to care for chemically exposed infants and children.

b. Identify additional services, such as therapeutic day care services, that may be needed to effectively care for chemically exposed infants and children.

c. Review the need for residential programs designed to meet the needs of chemically exposed infants and children.

As an additional part of the responsibility, the council shall determine whether a problem exists with respect to substance abuse treatment providers and physicians discriminating against pregnant women in providing treatment or prenatal care.

LEONARD L. BOSWELL
President of the Senate

HAROLD VAN MAANEN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 117, Seventy-fifth General Assembly.

JOHN P. DWYER
Secretary of the Senate

Approved May 4, 1993

TERRY E. BRANSTAD
Governor