

SENATE FILE 2248  
BY LIND

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to child abuse provisions involving drugs.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 2248

1 Section 1. Section 232.77, Code 1995, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 3. The court may enter an ex parte order  
4 that a medically relevant test, as defined in section 232.73,  
5 be performed to determine whether an illegal drug is present  
6 in a child's body provided all of the following apply:

7 a. Probable cause exists to believe the child has been  
8 exposed to an illegal drug.

9 b. The person responsible for the care of the child is  
10 absent, or though present, was asked and refused to consent to  
11 the medically relevant test, agreed to the performance of the  
12 medically relevant test but did not comply as agreed, or there  
13 is reasonable cause to believe that a request for consent  
14 would endanger the child.

15 Sec. 2. MEDICALLY RELEVANT TESTS. The Iowa department of  
16 public health shall consult with the council on chemically  
17 exposed infants and children created in chapter 235C, juvenile  
18 court officers, county attorneys, and department of human  
19 services' child protection workers in reviewing the  
20 administrative rules adopted pursuant to section 232.73  
21 concerning medically relevant tests. The review shall provide  
22 opportunity for comment from persons who have child protection  
23 responsibilities as to problems in implementing the rules.  
24 The review shall be performed and administrative rules  
25 revisions to address problems identified during the review  
26 shall be proposed no later than October 1, 1996. The review  
27 shall include but is not limited to all of the following:

28 1. Tests of infants, including tests for neonium and the  
29 minimum sample size required for tests of infants.

30 2. Tests of hair.

31 3. Provision for release of test information to child  
32 protection workers, juvenile court officers, and county  
33 attorneys.

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EXPLANATION

35 This bill relates to child abuse provisions involving

1 drugs.

2 Section 232.77, relating to photographs, X rays, and  
3 medically relevant tests of children, is amended by adding a  
4 new subsection. The new subsection authorizes the juvenile  
5 court to enter an ex parte order that a medically relevant  
6 test be performed to determine whether an illegal drug is  
7 present in a child's body. The following conditions are  
8 required for the ex parte order: probable cause the child was  
9 exposed to an illegal drug and the person responsible for the  
10 care of the child is absent or refuses permission for the  
11 test, the person agreed to have the test performed but failed  
12 to abide by the agreement, or there is reason to believe a  
13 request for consent would endanger the child.

14 The bill also directs the Iowa department of public health  
15 to review administrative rules regarding medically relevant  
16 tests for drugs. The review is to address problems with  
17 implementation of the rules identified by persons with child  
18 protection responsibilities. The review and proposed rules  
19 revisions to address problems identified are to be completed  
20 by October 1, 1996.

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