

FEB 17 1998  
HUMAN RESOURCES

HOUSE FILE 2299  
BY THOMSON

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

**A BILL FOR**

1 An Act requiring, upon the birth of a child, a medically relevant  
2 test for the presence of illegal substances.

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

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HF 2299

1 Section 1. Section 232.77, subsection 2, Code 1997, is  
2 amended to read as follows:

3 2. a. The health practitioner attending the birth of a  
4 child shall perform or cause to be performed a medically  
5 relevant test, as defined in section 232.73, on the child.  
6 The test shall be performed as soon after the child's birth as  
7 is medically prudent.

8 b. If at any other time a health practitioner discovers in  
9 a child physical or behavioral symptoms of the effects of  
10 exposure to cocaine, heroin, amphetamine, methamphetamine, or  
11 other illegal drugs, or combinations or derivatives thereof,  
12 which were not prescribed by a health practitioner, or if the  
13 health practitioner has determined through examination of the  
14 natural mother of the child that the child was exposed in  
15 utero, the health practitioner may perform or cause to be  
16 performed a medically relevant test, ~~as defined in section~~  
17 ~~232-73,~~ on the child.

18 c. The health practitioner shall report any positive  
19 results of ~~such a~~ medically relevant test on the child to the  
20 department. The department shall begin an investigation  
21 pursuant to section 232.71 upon receipt of such a report. A  
22 positive test result obtained prior to the birth of a child  
23 shall not be used for the criminal prosecution of a parent for  
24 acts and omissions resulting in intrauterine exposure of the  
25 child to an illegal drug.

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#### EXPLANATION

27 This bill requires upon the birth of a child that the  
28 attending health practitioner perform or cause to be performed  
29 a medically relevant test for the presence of illegal drugs.  
30 The test is to be performed as soon as is medically prudent.  
31 Code chapter 232 defines the term "health practitioner" to  
32 include a licensed physician or surgeon, osteopath,  
33 osteopathic physician or surgeon, dentist, optometrist,  
34 podiatric physician, or chiropractor, a resident or intern of  
35 any such profession, and any registered nurse or licensed

1 practical nurse.

2 Under current law, a health practitioner may perform or  
3 cause a medically relevant test to be performed if there are  
4 symptoms of exposure to illegal drugs or other reason to  
5 believe a child may have been exposed to illegal drugs. A  
6 medically relevant test is defined in Code chapter 232 to mean  
7 a test for various illegal drugs and may include a drug urine  
8 screen test.

9 Under current law, a medically relevant test which produces  
10 a positive result must be reported to the department of human  
11 services which is required to perform a child abuse  
12 assessment.

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