

3/24/98 Rereferred To: Human Resource

MAR 4 1998

Place On Calendar

HOUSE FILE 2522
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HF 2299)

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

A BILL FOR

1 An Act relating to the performance of a medically relevant test
2 for the presence of illegal substances in a child.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2522

1 Section 1. Section 232.73, unnumbered paragraph 2, Code
2 1997, is amended to read as follows:

3 As used in this section and section 232.77, "medically
4 relevant test" means a test that produces reliable results of
5 exposure to marijuana, cocaine, heroin, amphetamine,
6 methamphetamine, or other illegal drugs, or combinations or
7 derivatives thereof, including a drug urine screen test.

8 Sec. 2. Section 232.77, subsection 2, Code 1997, is
9 amended to read as follows:

10 2. a. If a health practitioner discovers in a child
11 physical or behavioral symptoms of the effects of exposure to
12 marijuana, cocaine, heroin, amphetamine, methamphetamine, or
13 other illegal drugs, or combinations or derivatives thereof,
14 which were not prescribed by a health practitioner, or if the
15 health practitioner has determined through a risk-based
16 assessment or examination of the natural mother of the a new
17 born child or within three months subsequent to the child's
18 birth that the child was exposed in utero, the health
19 practitioner may perform or cause to be performed a medically
20 relevant test, as defined in section 232.73, on the child.

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

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EXPLANATION

30 This bill relates to the performance of a medically
31 relevant test for the presence of illegal drugs in a child.

32 Under current law, a health practitioner may perform or
33 cause a medically relevant test to be performed if there are
34 symptoms of exposure to illegal drugs or other reason to
35 believe a child may have been exposed to illegal drugs. A

1 medically relevant test is defined in Code chapter 232 to mean
2 a test for various illegal drugs and may include a drug urine
3 screen test. The bill adds marijuana to the list of drugs for
4 which a test may be performed.

5 In addition, the bill authorizes a medically relevant test
6 if a risk-based assessment of the mother of a new born child,
7 or within three months of the child's birth, indicates the
8 child may have been exposed in utero.

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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HOUSE FILE 2522
FISCAL NOTE

The estimate for House File 2522 is hereby submitted as a fiscal note pursuant to Joint Rule 17 and as a correctional impact statement pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 2522 would allow a health practitioner to order a newborn drug test if a risk-based assessment suggests that the child was exposed to drugs in utero. The Bill also adds marijuana to the list of drugs to be tested for in newborns.

CORRECTIONAL IMPACT

House File 2522 is not expected to have a significant correctional impact.

FISCAL IMPACT

House File 2522 is not expected to have a significant fiscal impact.

SOURCES

Criminal and Juvenile Justice Planning Division,
Department of Human Rights
Department of Public Health

(LSB 3867hv, VMT)

FILED MARCH 19, 1998

BY DENNIS PROUTY, FISCAL DIRECTOR