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HUMAN RESOURCES

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FILED FEB 21 2000

SENATE FILE  
BY MILLER

2216

Passed Senate, <sup>P. 691</sup> Date 3-15-06  
Vote: Ayes 32 Nays 17  
Approved \_\_\_\_\_

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

A BILL FOR

1 An Act relating to substance abuse by pregnant women by providing  
2 for civil commitment of certain chronic substance abusers.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 2216  
HUMAN RESOURCES

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**SENATE FILE 2216  
FISCAL NOTE**

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The estimate for Senate File 2216 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.

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Senate File 2216 relates to substance abuse by pregnant women by providing for civil commitment of chronic substance abusers who are pregnant.

**ASSUMPTIONS**

1. Approximately 500 pregnant women would be civilly committed annually.
2. Each pregnant woman committed would receive three days of inpatient treatment at a cost of \$350.
3. Each pregnant woman committed would then be placed in a medically-managed residential treatment facility at a cost of \$150 per day.
4. Each pregnant woman committed would require residential treatment for half her pregnancy (20 weeks).

**CORRECTIONAL IMPACT**

There is insufficient data to determine the correctional impact of SF 2216.

**FISCAL IMPACT**

The total estimated FY 2001 cost of SF 2216 would be \$10.7 million (\$10,500,000 for residential treatment and \$175,000 for inpatient treatment.)

The General Fund impact cannot be determined because the Bill does not specify what entity is responsible for payment.

(LSB 5129SS, VMT)

FILED MARCH 6, 2000

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 2216

S-5153

- 1 Amend Senate File 2216 as follows:
- 2 1. Page 2, by inserting after line 7 the
- 3 following:
- 4 "Sec. \_\_\_\_ . EFFECTIVE DATE. This Act takes effect
- 5 July 1, 2001."
- 6 2. Title page, line 2, by inserting after the
- 7 word "abusers" the following: "and providing an
- 8 effective date".
- 9 3. By renumbering as necessary.

By DAVID MILLER

S-5153 FILED MARCH 15, 2000

ADOPTED

(P. 684)

SENATE FILE 2216

S-5157

- 1 Amend Senate File 2216 as follows:
- 2 1. Page 2, by striking lines 6 and 7 and
- 3 inserting the following:
- 4 "Sec. \_\_\_\_ . SUBSTANCE ABUSE TREATMENT COSTS. There
- 5 is appropriated from the general fund of the state to
- 6 the Iowa department of public health for the fiscal
- 7 year beginning July 1, 2000, and ending June 30, 2001,
- 8 the following amount, or so much thereof as is
- 9 necessary, to be used for the purpose designated:
- 10 For reimbursement of the treatment costs of
- 11 pregnant women who are subject to civil commitment in
- 12 accordance with this Act:
- 13 ..... \$ 10,700,000"
- 14 2. Title page, line 2, by inserting after the word "abusers"
- 15 the following: "and making an appropriation".
- 16 3. By renumbering as necessary.

By JOHNIE HAMMOND

S-5157 FILED MARCH 15, 2000

LOST

(P. 690)

## SENATE FILE 2216

S-5158

- 1 Amend Senate File 2216 as follows:  
2 1. Page 2, by inserting before line 8 the  
3 following:  
4 "Sec. \_\_\_\_ . CONTINGENT EFFECTIVE DATE. The Iowa  
5 department of public health shall consult with the  
6 judicial branch, the Iowa county attorney's  
7 association, the legislative fiscal bureau, substance  
8 abuse treatment providers, and other knowledgeable  
9 persons in developing a fiscal year projection for  
10 each judicial district as to the number of pregnant  
11 women who are likely to be subject to commitment for  
12 treatment in accordance with this Act. In addition,  
13 the department shall consult with the same persons and  
14 others in evaluating the availability of qualified  
15 treatment in each judicial district. This Act shall  
16 take effect on July 1, 2001, only if the director of  
17 public health submits a report by July 1, 2001, to the  
18 governor, general assembly, and the judicial branch  
19 finding that in each judicial district of the state,  
20 adequate capacity to provide treatment is available  
21 for that fiscal year to meet the needs of the number  
22 of pregnant women who are likely to be subject to  
23 commitment under this Act and sufficient funding is  
24 available to pay for the treatment. Otherwise, the  
25 Act shall take effect on July 1 of the fiscal year  
26 following the date the director of public health  
27 submits such a report."  
28 2. By renumbering as necessary.

By JOHNIE HAMMOND  
PATRICIA HARPER

S-5158 FILED MARCH 15, 2000

LOST

(p. 691)

## SENATE FILE 2216

S-5161

- 1 Amend the amendment, S-5157, to Senate File 2216 as  
2 follows:  
3 1. Page 1, by striking line 7 and inserting the  
4 following: "year beginning July 1, 2001, and ending  
5 June 30, 2002,".

By JOHNIE HAMMOND

S-5161 FILED MARCH 15, 2000

ADOPTED

(p. 689)



1 Section 1. Section 125.2, subsection 4, Code 1999, is  
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. c. If pregnant, habitually lacks self-  
4 control as to the use of chemical substances to the extent  
5 that the person is likely to seriously endanger the person's  
6 health, or to physically injure the person's self, fetus, or  
7 others, if allowed to remain at liberty without treatment.

8 Sec. 2. Section 125.81, unnumbered paragraph 1, Code 1999,  
9 is amended to read as follows:

10 If a person filing an application requests that a  
11 respondent be taken into immediate custody, and the court upon  
12 reviewing the application and accompanying documentation,  
13 finds probable cause to believe that the respondent is a  
14 chronic substance abuser who is likely to injure the person or  
15 other persons if allowed to remain at liberty or if pregnant,  
16 is likely to injure the person's self, fetus, or others if  
17 allowed to remain at liberty, the court may enter a written  
18 order directing that the respondent be taken into immediate  
19 custody by the sheriff, and be detained until the commitment  
20 hearing, which shall be held no more than five days after the  
21 date of the order, except that if the fifth day after the date  
22 of the order is a Saturday, Sunday, or a holiday, the hearing  
23 may be held on the next business day. The court may order the  
24 respondent detained for the period of time until the hearing  
25 is held, and no longer except as provided in section 125.88,  
26 in accordance with subsection 1 if possible, and if not, then  
27 in accordance with subsection 2 or, only if neither of these  
28 alternatives is available in accordance with subsection 3.

29 Detention may be:

30 Sec. 3. Section 125.81, subsection 2, Code 1999, is  
31 amended to read as follows:

32 2. In a suitable hospital, the chief medical officer of  
33 which shall be informed of the reasons why immediate custody  
34 has been ordered. The hospital may provide treatment which is  
35 necessary to preserve the respondent's life, or to

1 appropriately control the respondent's behavior which is  
2 likely to result in physical injury to the person or to others  
3 if allowed to continue, or if the respondent is pregnant, to  
4 the respondent's self, fetus, or others and other treatment as  
5 deemed appropriate by the chief medical officer.

6 Sec. 4. IMPLEMENTATION OF ACT. Section 25B.2, subsection  
7 3, shall not apply to this Act.

8 Sec. 5. EFFECTIVE DATE. This Act takes effect July 1,  
9 2001.

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**SENATE FILE 2216  
FISCAL NOTE**

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Senate File 2216 relates to substance abuse by pregnant women by providing for civil commitment of chronic substance abusers who are pregnant.

**ASSUMPTIONS**

1. The number of pregnant women who would be civilly-committed annually is unknown. For the purposes of preparing an estimate, a range of 100-500 cases is assumed.
2. Each pregnant woman committed would receive three days of inpatient treatment at a cost of \$350.
3. Each pregnant woman committed would then receive a staged treatment program of seven weeks (for an average total treatment length of sixty days). The associated costs of the staged treatment program (based on Medicaid rates) are as follows:  
Residential Treatment - 2 weeks at \$150 per day  
Day Treatment - 2 weeks at \$90 per day  
Out Patient Treatment - 3 weeks at \$135 per week  
Treatment programs of longer duration would be difficult to implement because of capacity limitations.
4. Total treatment costs, including all types of treatment, would be \$4,115 per case.
5. The estimate does not include the cost of obstetrical care for the women while they are in treatment. The estimate also does not include any potential savings from fewer low-birthweight infants which would be an expected result of the civilly-committed women receiving substance abuse treatment and obstetrical care during their pregnancies.
6. The Bill does not identify who is responsible for paying costs associated with this proposal. The Bill may include a State mandate to local governments.

**CORRECTIONAL IMPACT**

There is insufficient data to determine the correctional impact of SF 2216.

**FISCAL IMPACT**

Based on the estimated case costs of \$4,115, the following range is provided for the FY 2001 impact of Senate File 2216:

\$ 411,500 for 100 cases  
\$ 823,000 for 200 cases

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\$1,234,500 for 300 cases

\$1,646,000 for 400 cases

\$2,057,500 for 500 cases

The General Fund impact of SF 2216 cannot be determined since the Bill does not specify what entity is responsible for payment.

**SOURCES**

Department of Public Health  
Department of Human Services  
Ottumwa Regional Health Center

(LSB 5129SS.2, VMT)

FILED MARCH 15, 2000

BY DENNIS PROUTY, FISCAL DIRECTOR