

**House File 109 - Introduced**

HOUSE FILE 109

BY JORGENSEN and DAWSON

**A BILL FOR**

1 An Act establishing a statewide chemical substance abuse  
2 monitoring pilot program.

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

1 Section 1. STATEWIDE CHEMICAL SUBSTANCE ABUSE MONITORING  
2 PILOT PROGRAM.

3 1. The department of public health, in collaboration with  
4 the department of corrections, may approve an application from  
5 a county for a countywide chemical substance abuse monitoring  
6 pilot program that is available twenty-four hours per day,  
7 seven days per week, in an effort to reduce the number of  
8 crimes that have a nexus with chemical substance abuse.

9 2. The chemical substance abuse monitoring pilot program  
10 shall do all of the following:

11 a. Require a person who has been charged with, pled guilty  
12 to, or been convicted of a crime that has a nexus with chemical  
13 substance abuse to abstain from all chemical substances for a  
14 period of time.

15 b. Require the person to be subject to testing to determine  
16 whether a chemical substance is present in the person's body  
17 in the following manner:

18 (1) At least twice per day at a central location where an  
19 immediate sanction can be applied.

20 (2) Where testing under subparagraph (1) is impractical, by  
21 continuous transdermal or electronic monitoring.

22 c. Apply sanctions when test results definitively, and  
23 without presumption, indicate the presence of chemical  
24 substances.

25 d. Require a person participating in the program to pay  
26 program costs, including costs of installation, monitoring, and  
27 deactivation of any testing devices.

28 3. A court in a county that has established a pilot program  
29 pursuant to this section may order a defendant, as a condition  
30 of pretrial release, probation, or bond, to participate in the  
31 program.

32 4. An approved pilot program shall begin on January 15,  
33 2016, or upon the effective date of department rules, whichever  
34 is earlier, and shall be conducted for a minimum of one year.

35 5. The department of public health shall adopt rules

1 pursuant to chapter 17A to implement this section including  
2 but not limited to provisions relating to applications for,  
3 approval of, costs of, and oversight of the pilot programs and  
4 reporting requirements for participating counties.

5 6. The department of public health shall submit a report on  
6 the results of the pilot programs and make recommendations to  
7 the general assembly by December 15, 2017.

8 7. For the purposes of this section, "chemical substance"  
9 means alcohol, wine, spirits, and beer as defined in section  
10 123.3 and controlled substances as defined in section 124.101.

11

EXPLANATION

12 The inclusion of this explanation does not constitute agreement with  
13 the explanation's substance by the members of the general assembly.

14 This bill establishes a statewide chemical substance abuse  
15 monitoring pilot program. The bill allows the department  
16 of public health, in collaboration with the department  
17 of corrections, to approve applications from counties for  
18 countywide chemical substance abuse monitoring pilot programs.  
19 The programs are to be available 24 hours per day, seven days  
20 per week, in an effort to reduce the number of crimes that have  
21 a nexus with chemical substance abuse. "Chemical substance"  
22 includes alcohol, wine, spirits, beer, and controlled  
23 substances as those terms are defined in the Code.

24 The programs shall require individuals charged with or  
25 convicted of a crime involving chemical substance abuse to  
26 abstain from all chemical substances for a period of time.  
27 The programs are to require testing to determine whether a  
28 chemical substance is present at least twice per day at a  
29 central location where an immediate sanction can be applied or,  
30 where such testing is impractical, by continuous transdermal or  
31 electronic monitoring. The programs shall also apply sanctions  
32 when test results definitively indicate the presence of a  
33 chemical substance. The programs shall require participants to  
34 pay program costs.

35 A court in a county that has established a pilot program

1 may order a defendant, as a condition of pretrial release,  
2 probation, or bond, to participate in the program. Approved  
3 pilot programs shall begin January 15, 2016, or upon the  
4 effective date of department rules, whichever is earlier,  
5 and shall be conducted for a minimum of one year. The  
6 department of public health is to adopt rules to implement the  
7 programs, including but not limited to provisions relating to  
8 applications for, approval of, costs of, and oversight of the  
9 pilot programs and reporting requirements for participating  
10 counties. The department of public health is directed to  
11 submit a report on the results of the pilot programs and make  
12 recommendations to the general assembly by December 15, 2017.