

**Senate File 75 - Introduced**

SENATE FILE 75  
BY KINNEY

**A BILL FOR**

1 An Act relating to the disclosure of mental health information  
2 to law enforcement professionals.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 228.1, Code 2017, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 3A. "*Law enforcement professional*" means  
4 a law enforcement officer as defined in section 80B.3, county  
5 attorney as defined in section 331.101, probation or parole  
6 officer, or jailer.

7 Sec. 2. NEW SECTION. **228.7A Disclosures to law enforcement**  
8 **professionals.**

9 Mental health information relating to an individual may be  
10 disclosed by mental health professionals to a law enforcement  
11 professional if and to the extent necessary to prevent a  
12 serious and imminent threat to the health or safety of the  
13 individual or others.

14 EXPLANATION

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

17 This bill relates to the disclosure of mental health  
18 information to law enforcement professionals.

19 Under Code chapter 228, a mental health professional, data  
20 collector, or employee or agent thereof, is prohibited from  
21 disclosing or allowing the disclosure of an individual's  
22 mental health information without the individual's consent or  
23 written authorization. However, disclosure of such mental  
24 health information without the individual's consent or written  
25 authorization is allowed under certain circumstances, including  
26 for certain administrative disclosures to other mental health  
27 providers for administrative and professional services to  
28 the individual and to meet certain compulsory disclosure  
29 requirements pursuant to state or federal law. In addition,  
30 the disclosure of certain limited mental health information is  
31 allowed to authorized family members without the individual's  
32 consent or written authorization in some circumstances.

33 The bill allows for the disclosure of mental health  
34 information by a mental health professional relating to  
35 an individual without the individual's consent or written

1 permission to a law enforcement professional to the extent  
2 necessary to prevent a serious and imminent threat to the  
3 health and safety of the individual or others.

4 The bill defines "law enforcement professional" to mean  
5 a law enforcement officer as defined in Code section 80B.3  
6 (an officer appointed by the director of the department of  
7 natural resources, a member of the police force or other  
8 agency or department of the state, county, city, or tribal  
9 government regularly employed as such and who is responsible  
10 for the prevention and detection of crime and the enforcement  
11 of the criminal laws of this state and all individuals, as  
12 determined by the council, who by the nature of their duties  
13 may be required to perform the duties of a peace officer),  
14 county attorney as defined in Code section 331.101 (the  
15 county attorney, a deputy county attorney or an assistant  
16 county attorney designated by the county attorney), probation  
17 or parole officer, or jailer. "Mental health information"  
18 is defined in Code section 228.1 to mean oral, written,  
19 or recorded information which indicates the identity of an  
20 individual receiving professional services and which relates to  
21 the diagnosis, course, or treatment of the individual's mental  
22 or emotional condition.