

CHAPTER 46**CHILD ABUSE AND PROTECTION — DRUG MANUFACTURE
OR POSSESSION IN CHILD'S PRESENCE***H.F. 178*

AN ACT applying child in need of assistance and child abuse provisions to a child whose parent or guardian or the person responsible for the child's care has manufactured or possessed a dangerous substance in a child's presence.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 232.2, subsection 6, Code 2001, is amended by adding the following new paragraph:

NEW PARAGRAPH. p. Whose parent, guardian, or custodian does any of the following: unlawfully manufactures a dangerous substance in the presence of a child, knowingly allows such manufacture by another person in the presence of a child, or in the presence of a child possesses a product containing ephedrine, its salts, optical isomers, salts of optical isomers, or pseudoephedrine, its salts, optical isomers, salts of optical isomers, with the intent to use the product as a precursor or an intermediary to a dangerous substance.

(1) For the purposes of this paragraph "p", "in the presence of a child" means the physical presence of a child during the manufacture or possession, the manufacture or possession occurred in a child's home, on the premises, or in a motor vehicle located on the premises, or the manufacture or possession occurred under other circumstances in which a reasonably prudent person would know that the manufacture or possession may be seen, smelled, or heard by a child.

(2) For the purposes of this paragraph "p", "dangerous substance" means any of the following:

- (a) Amphetamine, its salts, isomers, or salts of its isomers.
- (b) Methamphetamine, its salts, isomers, or salts of its isomers.
- (c) A chemical or combination of chemicals that poses a reasonable risk of causing an explosion, fire, or other danger to the life or health of persons who are in the vicinity while the chemical or combination of chemicals is used or is intended to be used in any of the following:
 - (i) The process of manufacturing an illegal or controlled substance.
 - (ii) As a precursor in the manufacturing of an illegal or controlled substance.
 - (iii) As an intermediary in the manufacturing of an illegal or controlled substance.

Sec. 2. Section 232.68, subsection 2, Code 2001, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. The person responsible for the care of a child has, in the presence of the child, as defined in section 232.2, subsection 6, paragraph "p", manufactured a dangerous substance, as defined in section 232.2, subsection 6, paragraph "p", or in the presence of the child possesses a product containing ephedrine, its salts, optical isomers, salts of optical isomers, or pseudoephedrine, its salts, optical isomers, salts of optical isomers, with the intent to use the product as a precursor or an intermediary to a dangerous substance.

Approved April 18, 2001