

House File 543 - Enrolled

House File 543

AN ACT

RELATING TO CHILD IN NEED OF ASSISTANCE AND CHILD ABUSE CASES
INVOLVING CERTAIN DRUGS AND OTHER SUBSTANCES.

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

Section 1. Section 232.2, subsection 6, paragraph p, Code 2017, is amended to read as follows:

p. Whose parent, guardian, or custodian, or other adult member of the household in which a child resides does any of the following: unlawfully uses, possesses, manufactures, cultivates, or distributes a dangerous substance in the presence of a child; or knowingly allows such use, possession, manufacture, cultivation, or distribution 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 in the presence of a child; or unlawfully uses, possesses, manufactures, cultivates, or distributes a dangerous substance specified in subparagraph (2), subparagraph

division (a), (b), or (c), in a child's home, on the premises, or in a motor vehicle located on the premises.

(1) For the purposes of this paragraph, "*in the presence of a child*" means in 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~~ or occurring under other circumstances in which a reasonably prudent person would know that the use, possession, manufacture or possession, cultivation, or distribution may be seen, smelled, ingested, or heard by a child.

(2) For the purposes of this paragraph, "*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.

(d) Cocaine, its salts, isomers, salts of its isomers, or derivatives.

(e) Heroin, its salts, isomers, salts of its isomers, or derivatives.

(f) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate.

Sec. 2. Section 232.68, subsection 2, paragraph a, subparagraph (7), Code 2017, is amended to read as follows:

(7) The person responsible for the care of a child ~~has,~~

in the presence of ~~the~~ a child, as defined in section 232.2, subsection 6, paragraph "p", manufactured unlawfully uses, possesses, manufactures, cultivates, or distributes a dangerous substance, as defined in section 232.2, subsection 6, paragraph "p", or in the presence of the child knowingly allows such use, possession, manufacture, cultivation, or distribution by another person 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 in the presence of a child; or unlawfully uses, possesses, manufactures, cultivates, or distributes a dangerous substance specified in section 232.2, subsection 6, paragraph "p", subparagraph (2), subparagraph division (a), (b), or (c), in a child's home, on the premises, or in a motor vehicle located on the premises.

Sec. 3. Section 232.77, subsection 2, Code 2017, is amended to read as follows:

2. a. If a health practitioner discovers in a child physical or behavioral symptoms of the effects of exposure to cocaine, heroin, amphetamine, methamphetamine, or other illegal drugs, or combinations or derivatives thereof, which were not prescribed by a health practitioner, or if the health practitioner has determined through examination of the natural mother of the child that the child was exposed in utero, the health practitioner may perform or cause to be performed a medically relevant test, as defined in [section 232.73](#), on the child. The practitioner shall report any positive results of such a test on the child to the department. The department shall begin an assessment pursuant to [section 232.71B](#) upon receipt of such a report. A positive test result obtained prior to the birth of a child shall not be used for the criminal prosecution of a parent for acts and omissions resulting in intrauterine exposure of the child to an illegal drug.

b. If a health practitioner involved in the delivery or care of a newborn or infant discovers in the newborn or infant physical or behavioral symptoms that are consistent with the effects of prenatal drug exposure or a fetal alcohol spectrum

disorder, the health practitioner shall report such information to the department in a manner prescribed by rule of the department.

LINDA UPMEYER
Speaker of the House

JACK WHITVER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 543, Eighty-seventh General Assembly.

CARMINE BOAL
Chief Clerk of the House

Approved _____, 2017

TERRY E. BRANSTAD
Governor