

FILED JAN 11 '01

SENATE FILE 23
BY MILLER

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

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 23
HUMAN RESOURCES

1 Section 1. Section 125.2, subsection 4, Code 2001, 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 2001,
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 2001, 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 EXPLANATION

9 This bill relates to substance abuse by pregnant women by
10 providing for civil commitment of chronic substance abusers
11 who are pregnant.

12 The bill amends the definition of "chronic substance
13 abuser" in Code section 125.2, to include a pregnant person
14 who habitually lacks self-control as to the use of chemical
15 substances to the extent that the person is likely to
16 seriously endanger the person's health, or to physically
17 injure the person's self, fetus, or others, if allowed to
18 remain at liberty without treatment. The bill incorporates
19 this standard into the current definition which includes a
20 similar standard for persons who are not pregnant as well as a
21 requirement that the person lacks sufficient judgment to make
22 responsible decisions with respect to the person's
23 hospitalization or treatment. Corresponding amendments are
24 made to Code section 125.81, relating to taking a chronic
25 substance abuser into immediate custody for treatment.

26 The bill may include a state mandate as defined in Code
27 section 25B.3. The bill makes inapplicable Code section
28 25B.2, subsection 3, which would relieve a political
29 subdivision from complying with a state mandate if funding for
30 the cost of the state mandate is not provided or specified.
31 Therefore, political subdivisions are required to comply with
32 any state mandate included in the bill.

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