

Suggested DEC Workgroup Definitions for Iowa Code Chapter 232
10/27/16 Draft (following AG input and consult with ODCP)

Iowa Code section 232.2(6):

“Child in need of assistance” means an unmarried child:

- p. Whose parent, guardian, ~~or~~ custodian, or other adult member of the household in which the child resides does any of the following: unlawfully uses, possesses, manufactures, cultivates, or distributes ~~manufactures~~ a dangerous substance in the presence of a child, or knowingly allows such activity ~~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, or unlawfully uses, possesses, manufactures, cultivates, or distributes a dangerous substance as defined in (a), (b), or (c) of subparagraph (2) 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 or occurring occurred~~ under other circumstances in which a reasonably prudent person would know that the use, possession, manufacture, cultivation, or distribution ~~manufacture or possession~~ may be seen, smelled, 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 (with further description).
 - (e) Heroin (with further description).
 - (f) Opioid

Iowa Code section 232.68(2)(a):

“Child abuse” or “abuse” means:

(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”, uses, possesses, manufactures, cultivates, or distributes ~~manufactured~~ a dangerous substance, as defined in section 232.2, subsection 6, paragraph “p”, or knowingly allows such activity by another person in the presence of a child, or in the presence of ~~the~~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, or unlawfully uses, possesses, manufactures, cultivates, or distributes a dangerous substance as defined in section 232.2, subsection 6, paragraph p, subparagraph (2)(a), (b), or (c) in a child’s home, on the premises, or in a motor vehicle located on the premises.