

# MAINE STATE LEGISLATURE

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# 132nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2025

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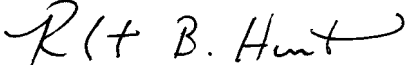
H.P. 89

House of Representatives, January 14, 2025

### **An Act to Improve Notifications Related to Substance-exposed Infants**

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Submitted by the Department of Health and Human Services pursuant to Joint Rule 204.  
Reference to the Committee on Health and Human Services suggested and ordered printed.

  
ROBERT B. HUNT  
Clerk

Presented by Representative MEYER of Eliot.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 22 MRSA §4004-B**, as amended by PL 2019, c. 342, §2, is further amended  
3 to read:

4 **§4004-B. ~~Infants born affected by substance use disorder or after prenatal exposure~~**  
5 **~~to drugs or with a fetal alcohol spectrum disorder~~ Investigation by**  
6 **department upon notice by health care provider**

7 The department shall act to protect infants ~~born identified as being affected by~~  
8 ~~substance use or withdrawal symptoms resulting from prenatal drug exposure, whether the~~  
9 ~~prenatal exposure was to legal or illegal drugs, or having a fetal alcohol spectrum disorder,~~  
10 ~~regardless of whether the infant is abused or neglected~~ for whom a notification is made to  
11 the department under section 4011-B. The department shall:

12 **1. Receive notifications.** ~~Receive notifications of infants who may be affected by~~  
13 ~~substance use or withdrawal symptoms resulting from prenatal drug exposure or who have~~  
14 ~~a fetal alcohol spectrum disorder as required under section 4011-B;~~

15 **2. Investigate.** ~~Promptly investigate~~ review notifications received ~~of infants born who~~  
16 ~~may be affected by substance use or withdrawal symptoms resulting from prenatal drug~~  
17 ~~exposure or who have a fetal alcohol spectrum disorder as required under section 4011-B~~  
18 ~~and investigate~~ as determined to be necessary by the department to protect the infant;

19 **3. Determine if infant is affected.** ~~Determine whether each infant for whom the~~  
20 ~~department conducts an investigation~~ receives a notification is affected by the infant's  
21 parent's substance use or withdrawal symptoms resulting from prenatal drug exposure,  
22 regardless of whether the parent is using legal or illegal substances, or has a fetal alcohol  
23 spectrum disorder;

24 **4. Determine if infant is abused or neglected.** ~~Determine whether the infant for~~  
25 ~~whom the department conducts an investigation is abused or neglected and, if so, determine~~  
26 ~~the degree of harm or threatened harm in each case;~~

27 **5. Develop plan for safe care.** ~~For each infant who the department determines to be~~  
28 ~~affected by~~ the infant's parent's substance use or withdrawal symptoms resulting from  
29 prenatal drug exposure, regardless of whether the parent is using legal or illegal substances,  
30 or who has a fetal alcohol spectrum disorder, develop, with the assistance of any health  
31 care provider involved in the ~~caregiver's~~ parent's or the child's medical or mental health  
32 care, a plan for the safe care of the infant and, in appropriate cases, refer the child or  
33 ~~caregiver~~ parent or both to a social service agency, a health care provider or a voluntary  
34 substance use disorder prevention service. For purposes of this subsection, "health care  
35 provider" means a person described in section 4011-A, subsection 1, paragraph A,  
36 subparagraphs (1) to (10), (15), (17) to (20) or (22); and

37 **6. Comply with section 4004.** ~~For each infant who the department determines to be~~  
38 ~~abused or neglected, comply with section 4004, subsection 2, paragraphs E and F.~~

39 **Sec. 2. 22 MRSA §4011-B**, as amended by PL 2019, c. 342, §3, is further amended  
40 to read:

41 **§4011-B. ~~Notification of prenatal exposure to drugs or having a fetal alcohol~~**  
42 **~~spectrum disorder~~ by health care provider**

