

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 362

S.P. 126

In Senate, February 5, 2009

An Act To Support New Mothers Who Are in Substance Abuse Treatment Programs

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BARTLETT of Cumberland.

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

2 **Sec. 1. 22 MRSA §4004-B, sub-§1**, as enacted by PL 2003, c. 673, Pt. Z, §1,
3 is amended to read:

4 **1. Receive reports.** Receive reports of infants who may be affected by illegal
5 substance abuse or suffering from withdrawal symptoms resulting from prenatal drug
6 exposure. This subsection does not apply to infants born to mothers who are actively
7 enrolled in a substance abuse treatment and recovery program licensed under Title 5,
8 chapter 521;

9 **Sec. 2. 22 MRSA §4004-B, sub-§4**, as enacted by PL 2003, c. 673, Pt. Z, §1,
10 is amended to read:

11 **4. Determine if infant is abused or neglected.** Determine whether or not the
12 infant reported is abused or neglected and, if so, determine the degree of harm or
13 threatened harm in each case;

14 **Sec. 3. 22 MRSA §4004-B, sub-§5**, as enacted by PL 2003, c. 673, Pt. Z, §1,
15 is amended to read:

16 **5. Develop plan for safe care.** For each infant reported whom the department
17 determines to be affected by illegal substance abuse or to be suffering from
18 withdrawal symptoms resulting from prenatal drug exposure, develop, with the
19 assistance of any health care provider involved in the mother's or the child's medical
20 or mental health care, a plan for the safe care of the infant and, in appropriate cases,
21 refer the child or mother or both to a social service agency or voluntary substance
abuse prevention service; and

22
23 **Sec. 4. 22 MRSA §4004-B, sub-§6**, as enacted by PL 2003, c. 673, Pt. Z, §1,
is amended to read:

24
25 **6. Comply with section 4004.** For each infant reported whom the department
26 determines to be abused or neglected, comply with section 4004, subsection 2,
paragraphs E and F.

27

SUMMARY

28

29 This bill amends the provisions of child protection law that require the
30 Department of Health and Human Services to receive reports of infants who may be
31 affected by illegal substance abuse or suffering from withdrawal symptoms from
32 prenatal drug exposure. The bill establishes an exception for infants born to mothers
33 who are actively enrolled in licensed substance abuse programs and, consistent with
34 this exception, limits the department's duties to infants who are reported under the
law.