

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 599

S.P. 214

In Senate, February 17, 2009

**An Act To Allow Noninvasive Testing of Infants for the Presence of
Drugs without a Parent's Consent**

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

A handwritten signature in black ink that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator MILLS of Somerset.

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

2 **Sec. 1. 22 MRSA §1534** is enacted to read:

3 **§1534. Detection of the presence of addictive drugs at birth**

4 A hospital, maternity home or other maternity service or physician may test a
5 newborn infant or cause the infant to be tested for the presence of addictive drugs through
6 noninvasive meconium or urine testing with or without the consent of one or both of the
7 infant's parents. A hospital, maternity home or other maternity service or physician must
8 conduct a test if that test is ordered by the department. At the discretion of the
9 department, reports and records of test results may be required to be submitted to the
10 department. The department may, upon request, offer consultation and training to a
11 hospital, maternity home or maternity service or physician. The department shall adopt
12 rules to implement the provisions of this section, including specifying testing methods,
13 materials and procedures. Rules adopted pursuant to this section are routine technical
14 rules as defined by Title 5, chapter 375, subchapter 2-A.

15 **SUMMARY**

16 This bill provides for noninvasive testing of newborn infants for the presence of
17 addictive drugs with or without the consent of one or both parents. The bill provides for
18 routine technical rules to be adopted by the Department of Health and Human Services.