MAINE STATE LEGISLATURE

The following document is provided by the

LAW AND LEGISLATIVE DIGITAL LIBRARY

at the Maine State Law and Legislative Reference Library

http://legislature.maine.gov/lawlib



Reproduced from scanned originals with text recognition applied (searchable text may contain some errors and/or omissions)

L.D. 257 Date: 5/23/13 Minority (Filing No. H-235) HEALTH AND HUMAN SERVICES 3 Reproduced and distributed under the direction of the Clerk of the House. 4 5 STATE OF MAINE 6 HOUSE OF REPRESENTATIVES 126TH LEGISLATURE 7 8 FIRST REGULAR SESSION COMMITTEE AMENDMENT "D" to H.P. 194, L.D. 257, Bill, "An Act To 9 Protect Newborns Exposed to Drugs or Alcohol" 10 11 Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following: 12 'Sec. 1. 22 MRSA §4002, sub-§5-B is enacted to read: 13 14 5-B. Fetal alcohol spectrum disorders. "Fetal alcohol spectrum disorders" means conditions whose effects include having facial characteristics, growth restriction, central 15 nervous system abnormalities or other characteristics consistent with prenatal alcohol 16 17 exposure identified in a child from birth to 12 months of age. Sec. 2. 22 MRSA §4004-B, as enacted by PL 2003, c. 673, Pt. Z, §1, is amended 18 19 to read: 20 §4004-B. Infants born affected by substance abuse or after prenatal exposure to 21 drugs or with fetal alcohol spectrum disorders 22 The department shall act to protect infants born identified as being affected by illegal 23 substance abuse or suffering from, demonstrating withdrawal symptoms resulting from 24 prenatal drug exposure, whether or not the prenatal exposure was to legal or illegal drugs, 25 or having fetal alcohol spectrum disorders, regardless of whether or not the infant is abused or neglected. The department shall: 26 27 1. Receive notifications. Receive reports notifications of infants who may be 28 affected by illegal substance abuse or suffering from demonstrating withdrawal 29 symptoms resulting from prenatal drug exposure or who have fetal alcohol spectrum 30 disorders;

who may be affected by illegal substance abuse or suffering from demonstrating withdrawal symptoms resulting from prenatal drug exposure or who have fetal alcohol spectrum disorders as determined to be necessary by the department to protect the infant;

2. Investigate. Promptly investigate all reports notifications received of infants born

31

32

33

34

Page 1 - 126LR0519(03)-1

- 1 2 3 4
- 5 6 7
- 8 9 10 11
- 12 13 14
- 15 16
- 17 18
- 19 20
- 21 22 23
- 24 25 26
- 27 28
- 29 30 31

32

- 33 34
- 35 36 37
- 38
- 39 40

- 3. Determine if infant is affected. Determine whether or not each infant reported for whom the department conducts an investigation is affected by illegal substance abuse or suffers from, demonstrates withdrawal symptoms resulting from prenatal drug exposure or has fetal alcohol spectrum disorders;
- 4. Determine if infant is abused or neglected. Determine whether or not the infant for whom the department conducts an investigation is abused or neglected and, if so, determine the degree of harm or threatened harm in each case;
- 5. Develop plan for safe care. For each infant whom the department determines to be affected by illegal substance abuse or, to be suffering from demonstrating withdrawal symptoms resulting from prenatal drug exposure or to have fetal alcohol spectrum disorders, develop, with the assistance of any health care provider involved in the mother's or the child's medical or mental health care, a plan for the safe care of the infant and, in appropriate cases, refer the child or mother or both to a social service agency or voluntary substance abuse prevention service; and
- 6. Comply with section 4004. For each infant whom the department determines to be abused or neglected, comply with section 4004, subsection 2, paragraphs E and F.
- Sec. 3. 22 MRSA §4011-B, as enacted by PL 2003, c. 673, Pt. Z, §5, is amended to read:
- Notification of prenatal exposure to drugs or having fetal alcohol §4011-B. spectrum disorders
- 1. Notification of prenatal exposure to drugs or having fetal alcohol spectrum disorders. A health care provider involved in the delivery or care of an infant who the provider knows or has reasonable cause to suspect has been born affected by illegal substance abuse or, is suffering from demonstrating withdrawal symptoms resulting from prenatal drug exposure, whether or not the prenatal exposure was to legal or illegal drugs, or has fetal alcohol spectrum disorders shall notify the department of that condition in the infant. The report notification required by this subsection must be made in the same manner as reports of abuse or neglect required by this subchapter.
 - A. This section, and any notification made pursuant to this section, may not be construed to establish a definition of "abuse" or "neglect."
 - B. This section, and any notification made pursuant to this section, may not be construed to require prosecution for any illegal action, including, but not limited to, the act of exposing a fetus to drugs or other substances.
- 2. Definition. For purposes of this section, "health care provider" means a person described in section 4011-A, subsection 1, paragraph A, subparagraphs (1) to (10), (15), (17) to (20) or (22) or any person who assists in the delivery or birth of a child for compensation, including, but not limited to, a midwife.'

SUMMARY

This amendment is the minority report of the committee and replaces the bill. The amendment amends current law on reporting to the Department of Health and Human



1

3

4 5

6

7

8

10

11 12 COMMITTEE AMENDMENT "to H.P. 194, L.D. 257

Services by a health care provider involved in the delivery or care of an infant with prenatal exposure to drugs as follows:

- 1. The amendment changes "reports" to the department to "notifications" to the department and changes "suffering from withdrawal symptoms" to "demonstrating withdrawal symptoms";
- 2. The amendment repeals the requirement that the department investigate all reports and authorizes the department to investigate as it determines to be necessary to protect an infant for whom the department has received notification; and
- 3. The amendment defines "fetal alcohol spectrum disorders" and adds it to the conditions of an infant that require notification to the department.

FISCAL NOTE REQUIRED

(See attached)



126th MAINE LEGISLATURE

LD 257

LR 519(03)

An Act To Protect Newborns Exposed to Drugs or Alcohol

Fiscal Note for Bill as Amended by Committee Amendment B' (H-235)
Committee: Health and Human Services
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Any additional costs to the Department of Health and Human Services are expected to be minor and can be absorbed within existing budgeted resources.