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HEALTH AND HUMAN SERVICES

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STATE OF MAINE
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128TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " " to H.P. 1072, L.D. 1556, Bill, "An Act To Protect Children from Prenatal Drug and Alcohol Exposure"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 22 MRSA §4011-B, sub-§1, as amended by PL 2013, c. 192, §3, is further amended to read:

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, is demonstrating withdrawal symptoms that require medical monitoring or care beyond standard newborn care when those symptoms have resulted from or have likely resulted from prenatal drug exposure, whether 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 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.

Sec. 2. 22 MRSA §4011-B, sub-§§1-A and 1-B are enacted to read:

1-A. Notification of prenatal exposure to unlawful use of drugs. A health care provider involved in the care of a pregnant woman who knows or has reasonable cause to suspect that a fetus has been or will be affected by the pregnant woman's unlawful use of drugs during the pregnancy shall notify the department of that pregnant woman's unlawful use of drugs.

COMMITTEE AMENDMENT

1 **1-B. Manner of notification.** The notifications required by this section must be
2 made in the same manner as reports of abuse or neglect required by this subchapter.

3 A. This section, and any notification made pursuant to this section, may not be
4 construed to establish a definition of "abuse" or "neglect."

5 B. This section, and any notification made pursuant to this section, may not be
6 construed to require prosecution for any illegal action, including, but not limited to,
7 the act of exposing a fetus to drugs or other substances or unlawful use of drugs by a
8 pregnant woman.'

9 **SUMMARY**

10 This amendment replaces the bill and is the minority report of the committee. The
11 amendment requires that a health care provider involved in the care of a pregnant woman
12 who knows or has reasonable cause to suspect that a fetus has been or will be affected by
13 the pregnant woman's unlawful use of drugs during the pregnancy is required to notify the
14 Department of Health and Human Services of the pregnant woman's unlawful use of
15 drugs. The amendment also specifies that this notification must be made in the same
16 manner as other reports of abuse or neglect required by the Maine Revised Statutes, Title
17 22, chapter 1071, subchapter 2 and that the notification may not be construed to establish
18 a definition of "abuse" or "neglect" and may not be construed to require prosecution for
19 any illegal action, including, but not limited to, the act of exposing a fetus to drugs or
20 other substances or unlawful use of drugs by a pregnant woman.