

STATE OF MAINE

—

IN THE YEAR OF OUR LORD
TWO THOUSAND AND THIRTEEN

—

H.P. 194 - L.D. 257

An Act To Protect Newborns Exposed to Drugs or Alcohol

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

Sec. 1. 22 MRSA §4002, sub-§5-B is enacted to read:

5-B. Fetal alcohol spectrum disorders. "Fetal alcohol spectrum disorders" means conditions whose effects include having facial characteristics, growth restriction, central nervous system abnormalities or other characteristics consistent with prenatal alcohol 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 to read:

§4004-B. Infants born affected by substance abuse or after prenatal exposure to drugs or with fetal alcohol spectrum disorders

The department shall act to protect infants born identified as being affected by illegal substance abuse ~~or suffering from, demonstrating~~ withdrawal symptoms resulting from prenatal drug exposure, whether ~~or not~~ the prenatal exposure was to legal or illegal drugs, or having fetal alcohol spectrum disorders, regardless of whether ~~or not~~ the infant is abused or neglected. The department shall:

1. Receive notifications. Receive ~~reports~~ notifications of infants 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;

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

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:

§4011-B. Notification of prenatal exposure to drugs or having fetal alcohol 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 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 ~~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~~ 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.