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H.P. 1072

House of Representatives, May 2, 2017

**An Act To Protect Children from Prenatal Drug and Alcohol
Exposure**

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

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative HEAD of Bethel. (GOVERNOR'S BILL)
Cosponsored by Senator CYRWAY of Kennebec and
Representative: PICCHIOTTI of Fairfield.

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

2 **Sec. 1. 22 MRSA §4011-A, sub-§1, ¶A**, as amended by PL 2009, c. 211, Pt. B,
3 §18 and PL 2011, c. 657, Pt. W, §5, is further amended to read:

4 A. When acting in a professional capacity:

- 5 (1) An allopathic or osteopathic physician, resident or intern;
- 6 (2) An emergency medical services person;
- 7 (3) A medical examiner;
- 8 (4) A physician's assistant;
- 9 (5) A dentist;
- 10 (6) A dental hygienist;
- 11 (7) A dental assistant;
- 12 (8) A chiropractor;
- 13 (9) A podiatrist;
- 14 (10) A registered or licensed practical nurse;
- 15 (11) A teacher;
- 16 (12) A guidance counselor;
- 17 (13) A school official;
- 18 (14) A youth camp administrator or counselor;
- 19 (15) A social worker;
- 20 (16) A court-appointed special advocate or guardian ad litem for the child;
- 21 (17) A homemaker;
- 22 (18) A home health aide;
- 23 (19) A medical or social service worker;
- 24 (20) A psychologist;
- 25 (21) Child care personnel;
- 26 (22) A mental health professional;
- 27 (23) A law enforcement official;
- 28 (24) A state or municipal fire inspector;
- 29 (25) A municipal code enforcement official;
- 30 (26) A commercial film and photographic print processor;
- 31 (27) A clergy member acquiring the information as a result of clerical
32 professional work except for information received during confidential
33 communications;

- 1 (28) A chair of a professional licensing board that has jurisdiction over mandated
- 2 reporters;
- 3 (29) A humane agent employed by the Department of Agriculture, Conservation
- 4 and Forestry;
- 5 (30) A sexual assault counselor;
- 6 (31) A family or domestic violence victim advocate; ~~and~~
- 7 (32) A school bus driver or school bus attendant; and
- 8 (33) A substance use disorder treatment provider.

9 **Sec. 2. 22 MRSA §4011-B**, as amended by PL 2013, c. 192, §3, is further
10 amended to read:

11 **§4011-B. Notification of prenatal exposure to drugs or having fetal alcohol**
12 **spectrum disorders**

13 **1. Notification of prenatal exposure to drugs or having fetal alcohol spectrum**
14 **disorders.** ~~A health care provider involved in the delivery or care of an infant who the~~
15 ~~provider~~ mandated reporter who knows or has reasonable cause to suspect that an infant
16 has been born affected by illegal substance abuse, is demonstrating withdrawal symptoms
17 that require medical monitoring or care beyond standard newborn care when those
18 symptoms have resulted from or have likely resulted from prenatal drug exposure,
19 whether the prenatal exposure was to legal or illegal drugs, or has fetal alcohol spectrum
20 disorders shall notify the department of that condition in the infant. A mandated reporter
21 who knows or has reasonable cause to suspect that a fetus has been or will be affected by
22 substance abuse during gestation shall notify the department of that condition. The
23 notification required by this subsection must be made in the same manner as reports of
24 abuse or neglect required by this subchapter.

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

27 B. This section, and any notification made pursuant to this section, may not be
28 construed to require prosecution for any illegal action, including, but not limited to,
29 the act of exposing a fetus to drugs or other substances.

30 **2. Definition.** For purposes of this section, ~~"health care provider"~~ "mandated
31 reporter" means a person described in section 4011-A, subsection 1, paragraph A,
32 ~~subparagraphs (1) to (10), (15), (17) to (20) or (22)~~ or any person who assists in the
33 delivery or birth of a child for compensation, including, but not limited to, a midwife.

34 **SUMMARY**

35 Currently, certain mandated reporters of child abuse are required to report to the
36 Department of Health and Human Services when they know or suspect that an infant had
37 been exposed to drugs or alcohol prior to birth. This bill extends that mandate to all
38 mandated reporters of child abuse, adds substance abuse addiction treatment providers to
39 the list of mandated reporters and requires all mandated reporters to report to the

1 Department of Health and Human Services not only after the birth of an infant but when
2 they know of or suspect substance abuse by a woman during her pregnancy.