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SENATE BILL 5391

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State of Washington

53rd Legislature

1993 Regular Session

By Senators L. Smith, Talmadge, McCaslin, Deccio, Erwin, Moyer, Oke and Winsley

Read first time 01/26/93. Referred to Committee on Health & Human Services.

1 AN ACT Relating to infants exposed to drugs; adding a new chapter  
2 to Title 70 RCW; creating a new section; and making an appropriation.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** LEGISLATIVE INTENT. The legislature finds  
5 that chemical drug exposure during pregnancy jeopardizes the long-term  
6 health and well-being of infants. The legislature declares that  
7 adequate medical care during and after pregnancy, chemical abuse  
8 treatment for pregnant women, and other support services for the child  
9 and mother are needed to minimize the adverse effects of chemical  
10 abuse. The legislature has demonstrated its commitment to providing  
11 these services through a significant expansion of maternity care and  
12 child health services. It has also expanded chemical abuse treatment  
13 and support services for pregnant women through the enhancement of  
14 inpatient and outpatient services, transitional housing, case  
15 management, and child care. The legislature further finds that early  
16 identification through medical assessment of chemically exposed infants  
17 can reduce long-term adverse medical, social, and economic consequences  
18 only when such identification results in the provision of needed  
19 medical and support services. It further declares that well integrated

1 and coordinated delivery of services to mothers and infants is  
2 essential to promote the long-term health and well-being of chemically  
3 exposed infants.

4 NEW SECTION. **Sec. 2.** DEFINITIONS. As used in this chapter, the  
5 terms in this section have the meanings indicated unless the context  
6 clearly requires otherwise.

7 (1) "Drug" means a controlled substance under chapter 69.50 RCW  
8 used for nonmedical purposes.

9 (2) "Health care facility" means a hospital as licensed in chapter  
10 70.41 RCW.

11 (3) "Infant drug exposure assessment" means a procedure established  
12 in rule by the state board of health and conducted by a health care  
13 facility for screening and assessing newborn infants and mothers to  
14 identify those who have been exposed to drugs prior to birth.

15 (4) "Nonmedical purpose" means use of a controlled substance as  
16 defined in chapter 69.50 RCW for purposes other than prescribed by an  
17 authorized health care practitioner as defined in RCW 69.50.101.

18 NEW SECTION. **Sec. 3.** ASSESSMENTS--UNIVERSITY OF WASHINGTON  
19 ACTIVITIES. The University of Washington, in consultation with the  
20 state department of health, shall establish standards for conducting  
21 infant drug exposure assessments to determine possible drug exposure of  
22 infants prior to birth. Such standards may be updated from time to  
23 time. To the extent possible, the standards shall assure accurate,  
24 fair, and consistent medical assessments of newborn infants. The  
25 department of health shall make available to every health care facility  
26 the standards for the purposes of conducting such assessments at those  
27 facilities.

28 NEW SECTION. **Sec. 4.** ASSESSMENTS--USE--CONFIDENTIALITY OF  
29 ASSESSMENTS. (1) Health care facilities may conduct infant drug  
30 exposure assessments of newborn infants delivered at the facility to  
31 determine the presence of drugs acquired through exposure from the  
32 mother. Such assessments should be initiated prior to the discharge of  
33 the infant. The purpose of the assessment shall be to determine the  
34 need for immediate and postdischarge medical care, drug treatment, and  
35 support services for the mother and child.

1 (2) The results of the infant drug exposure assessments shall not  
2 be used in any criminal proceeding as evidence of either guilt or  
3 innocence.

4 NEW SECTION. **Sec. 5.** INTERAGENCY COORDINATION OF SERVICE  
5 DELIVERY. The department of social and health services and the  
6 department of health shall assure that the delivery of available  
7 services to chemically dependent pregnant women and chemically  
8 dependent mothers and infants are coordinated so that (1) all available  
9 medical and support services offered through or paid by the agencies  
10 are provided to the extent of available resources, (2) existing  
11 community-based services are identified and utilized, (3) to the extent  
12 feasible, services be offered jointly to the mother and infant in a  
13 manner that promotes and preserves positive bonding of the mother and  
14 infant, (4) possible long-term developmental disabilities are  
15 identified early to minimize adverse health consequences, and (5) the  
16 department of social and health services and the department of health  
17 are able to track clients and the services they receive across programs  
18 and agency lines.

19 NEW SECTION. **Sec. 6.** EDUCATION FOR HEALTH CARE PROFESSIONALS.  
20 The department of health may consult with the University of Washington  
21 and the disciplining authorities for each health care profession under  
22 RCW 18.130.040 whose license holders provide prenatal, obstetrical, and  
23 pediatric services and may prepare and distribute appropriate  
24 educational material to such license holders on the effects of  
25 substance abuse by pregnant women. The training and education may  
26 include information on identifying signs of drug usage, the effects of  
27 drug exposure, conducting medical assessments as provided for by this  
28 chapter, and referring patients to appropriate treatment and services.

29 NEW SECTION. **Sec. 7.** CAPTIONS NOT LAW. Section captions as used  
30 in this act constitute no part of the law.

31 NEW SECTION. **Sec. 8.** Sections 1 through 6 of this act shall  
32 constitute a new chapter in Title 70 RCW.

33 NEW SECTION. **Sec. 9.** The sum of forty-five thousand dollars, or  
34 as much thereof as may be necessary, is appropriated for the biennium

1 ending June 30, 1995, from the general fund to the University of  
2 Washington for the purposes of this act.

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