

HB 2095 - DIGEST

Finds that the state has a compelling interest in protecting unborn children from the harmful effects of alcohol abuse and illegal drug use during pregnancy and that requiring pharmaceutical birth control or tubal ligation for women who are incapable for whatever reason of making long-term decisions in controlling their abuse of alcohol or use of illegal drugs is in the best interest of the mothers and their children.

Provides that a physician licensed under chapter 18.71 RCW primarily responsible for the supervision of the birth of an infant or care of the mother of the infant, or a hospital administrator, who has reasonable cause to believe an infant is alcohol or drug-affected or has been exposed to alcohol abuse or the use of illegal drugs shall: (1) Conduct appropriate tests to determine whether the infant is alcohol or drug-affected;

(2) Notify the department of the name and address of the parents of an infant who is alcohol or drug-affected; and

(3) Retain the infant in the birthing facility for medical treatment or place the infant in an appropriate pediatric care facility with the concurrence of the department for sufficient time for the infant to undergo withdrawal from the effects of the alcohol or drug.

Authorizes the department, upon receipt of a report under this act, to investigate and, in cases where a physician has determined the infant is alcohol or drug-affected, to file a petition in the superior court requesting the court to issue an order requiring the mother to abstain from alcohol or the nonprescription use of controlled substances, to submit to random testing by the department for such substances, and to attend alcohol or drug dependency treatment programs and counseling as determined appropriate by the department. If the evidence supports the physician's determination that the infant is alcohol or drug-affected and that the infant is alcohol or drug-affected as a result of the ingestion of alcohol or drugs by the mother, the court shall issue the order.

Provides that the department shall pay for pharmaceutical birth control or tubal ligation administered under this act if the mother's income is less than two hundred percent of the federal poverty level. The department shall report by December 1st of each year to the governor and legislature: (1) The number of physician reports under section 2 of this act received by the department;

(2) The number of cases where a physician has determined an infant is alcohol or drug-affected;

(3) The number of cases where involuntary or voluntary use of pharmaceutical birth control measures or tubal ligation was implemented and whether pharmaceutical birth control or tubal ligation was utilized; and

(4) The recidivism rate of subsequent births of alcohol or drug-affected infants.