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**SUBSTITUTE SENATE BILL 5193**

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**State of Washington**

**52nd Legislature**

**1991 Regular Session**

**By** Senate Committee on Health & Long-Term Care (originally sponsored by Senators L. Smith, Wojahn, West, Johnson, Oke and Thorsness).

Read first time March 6, 1991.

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

1 identification through medical assessment of chemically exposed infants  
2 can reduce long-term adverse medical, social, and economic consequences  
3 only when such identification results in the provision of needed  
4 medical and support services. It further declares that well integrated  
5 and coordinated delivery of services to mothers and infants is  
6 essential to promote the long-term health and well-being of chemically  
7 exposed infants.

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

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

13 (2) "Health care facility" means a hospital as licensed in chapter  
14 70.41 RCW.

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

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

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

1 department of health shall make available to every health care facility  
2 the standards for the purposes of conducting such assessments at those  
3 facilities.

4 NEW SECTION. **Sec. 4.** ASSESSMENTS--USE--CONFIDENTIALITY OF  
5 ASSESSMENTS. (1) Health care facilities may conduct infant drug  
6 exposure assessments of newborn infants delivered at the facility to  
7 determine the presence of drugs acquired through exposure from the  
8 mother. Such assessments should be initiated prior to the discharge of  
9 the infant. The purpose of the assessment shall be to determine the  
10 need for immediate and postdischarge medical care, drug treatment, and  
11 support services for the mother and child.

12 (2) The results of the infant drug exposure assessments shall be  
13 deemed confidential and shall not be used in any criminal proceeding as  
14 evidence of either guilt or innocence.

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

1        NEW SECTION.    **Sec. 6.**    EDUCATION FOR HEALTH CARE PROFESSIONALS.

2    The department of health may consult with the University of Washington  
3    and the disciplining authorities for each health care profession under  
4    RCW 18.130.040 whose license holders provide prenatal, obstetrical, and  
5    pediatric services and may prepare and distribute appropriate  
6    educational material to such license holders on the effects of  
7    substance abuse by pregnant women.    The training and education may  
8    include information on identifying signs of drug usage, the effects of  
9    drug exposure, conducting medical assessments as provided for by this  
10   chapter, and referring patients to appropriate treatment and services.

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

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

15        NEW SECTION.    **Sec. 9.**    The sum of thirty-five thousand dollars, or  
16   as much thereof as may be necessary, is appropriated for the biennium  
17   ending June 30, 1993, from the general fund to the University of  
18   Washington for the purposes of this act.