

HOUSE BILL ANALYSIS

HB 1697

Title: *An act relating to involuntary use of long-term pharmaceutical birth control for mothers who have given birth to a child with drug addiction.*

Brief Description: *Requiring court-ordered use of long-term pharmaceutical birth control for mothers who have given birth to a baby with drug addiction.*

Sponsors: *Representatives Dickerson, Ballasiotes, Cooke, Sheldon, Ogden, O'Brien, Sullivan, Scott, Anderson, Kessler, H. Sommers and Costa.*

HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

Meeting Date: *February 20, 1997.*

Bill Analysis Prepared by: *Doug Ruth (786-7134).*

Background: *Many women who are addicted to chemical substances give birth to children with serious health problems. If the underlying addiction is not treated, additional children who are born will also suffer from physical, mental, and emotional problems associated with the mothers' addiction. Current involuntary commitment statutes related to chemical dependency provide for the involuntary commitment and treatment of individuals who are incapacitated by chemical dependency and who attempt or inflict physical harm on another, or are likely to inflict physical harm on another unless committed to treatment*

Summary of Bill: *A pilot project process is established in four communities to provide services to women who give birth to drug-addicted babies and to require involuntary insertion of long-term pharmaceutical birth control for women who have given birth to three drug-addicted babies.*

The pilot projects shall screen babies born in hospitals to identify those babies who are addicted to a controlled substance. When such a baby is identified, the mother of the child is referred to a designated chemical dependency specialist. If a woman is referred to a designated chemical dependency specialist as someone who has given birth to a drug-addicted baby, the specialist shall offer voluntary chemical dependency treatment, counseling, and support services and family planning information. The second referral shall result in mandatory treatment, counseling, and support services, and the offering of long-term birth control with related education and counseling. The third referral shall result in mandatory treatment, counseling, and support services, and initiation of a judicial hearing to require

involuntary long-term birth control. The judicial hearing process is identical to the current hearing procedures for involuntary commitment and treatment of chemically dependent individuals under chapter 70.96A RCW.

If after completion of a hearing, a court finds that a woman has given birth to a child who is addicted to drugs and it is the woman's first child, the court must allow the woman to participate in a drug treatment program and use family planning services, education, and counseling. If the court finds that the woman has given birth to a baby who is addicted to drugs and it is the woman's second drug-addicted child, the woman will be ordered to participate in a drug treatment program and offered the use of long-term pharmaceutical birth control. If the court finds that the woman has given birth to a third baby who is addicted to drugs, the court will require participation in a drug treatment program and require long-term birth control. The court may permit a woman to terminate mandatory birth control six months after the court finds the woman drug free.

Appropriation: *None.*

Fiscal Note: *Requested on February 12, 1997.*

Effective Date: *Ninety days after adjournment of session in which bill is passed.*