

5278-S3

Sponsor(s): Senate Committee on Ways & Means (originally sponsored by Senators Patterson, Hargrove, Winsley, Wood, Benton, Goings, Prince, Bauer, B. Sheldon, Heavey, Long, Anderson, Haugen and Oke)

Brief Title: Requiring dependency investigations for infants born drug affected.

SB 5278-S3.E - DIGEST

(AS OF SENATE 2ND READING 2/17/98)

Finds that all children have the right to be born healthy and free of the consequences of the nonprescription use of controlled substances by the mother during pregnancy. Individuals who have a drug addiction are unable to make reasoned decisions that help ensure the birth of a healthy infant. The availability of long-term pharmaceutical birth control, when combined with other treatment regimens, may allow women to regain control of their lives and make long-term decisions in the best interest of themselves and their children.

Provides that a physician licensed under chapter 18.71 RCW primarily responsible for the supervision of the birth of an infant who has reasonable cause to believe an infant has been exposed to nonprescription use of controlled substances shall: (1) Conduct appropriate tests to determine whether the infant is drug-affected;

(2) notify the department of the name and address of the parents of an infant who is 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 affects of the controlled substances.

Requires the physician to, as soon as practical, inform the mother of a drug-affected infant of: (1) Her right to publicly funded tubal ligation surgery as provided by this act;

(2) available drug treatment and counseling; and

(3) birth control counseling and education. The mother may accept the offer of a tubal ligation up to six months following its tender.

Declares that a physician who makes any determination under this act shall not be liable in any cause of action as a result of his or her determination except for acts of gross negligence or intentional misconduct.

Declares that, to the extent funds are appropriated, the department shall operate a pilot project to provide services to women who give birth to infants exposed to the nonprescription use of controlled substances by the mother during pregnancy. Within available funds, the project may be offered in each of the department's administrative regions. The project shall accept women referred to it by the department following the birth of a drug-affected infant. The pilot project shall be concluded by July 1, 2001.

Declares that, to the extent funds are appropriated, the

institute for public policy shall study the cost-effectiveness of this act and report to the governor and legislature not later than September 1, 2002.