
SUBSTITUTE SENATE BILL 5391

State of Washington

53rd Legislature

1993 Regular Session

By Senate Committee on Health & Human Services (originally sponsored by Senators L. Smith, Talmadge, McCaslin, Deccio, Erwin, Moyer, Oke and Winsley)

Read first time 02/25/93.

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) "Fetal alcohol syndrome assessment" means a procedure
10 established by section 3 of this act and conducted by a health care
11 facility for screening and assessing infants to identify those who have
12 a cluster of congenital features associated with the syndrome.

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

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

19 (5) "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 shall, in consultation with
24 the department of health, develop standards for conducting infant drug
25 exposure assessments to determine possible drug exposure of infants
26 prior to birth. The University of Washington shall also develop, in
27 consultation with the department of health, standards for conducting
28 fetal alcohol syndrome assessments to identify infants who may have the
29 fetal alcohol syndrome. The standards may be updated from time to
30 time. To the extent possible, the standards shall assure accurate,
31 fair, and consistent medical assessments of newborn infants. The
32 University of Washington shall make the assessment standards available
33 to every health care facility for the purposes of conducting the
34 assessments.

35 NEW SECTION. **Sec. 4.** ASSESSMENTS--USE--CONFIDENTIALITY OF
36 ASSESSMENTS. (1) Health care facilities may conduct infant drug

1 exposure assessments of newborn infants delivered at the facility to
2 determine the presence of drugs acquired through exposure from the
3 mother. The health care facilities may also conduct fetal alcohol
4 syndrome assessments on infants in their facility to determine the
5 possible presence of the syndrome. The assessments should be initiated
6 prior to the discharge of the infant. The purpose of the assessments
7 shall be to determine the need for immediate and postdischarge medical
8 care, drug treatment, and support services for the mother and child.

9 (2) The results of the infant drug exposure assessments and the
10 fetal alcohol syndrome assessments shall not be used in any criminal
11 proceeding as evidence of either guilt or innocence.

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

25 NEW SECTION. **Sec. 6.** EDUCATION FOR HEALTH CARE PROFESSIONALS.
26 The department of health may provide prenatal, obstetrical, and
27 pediatric health care services providers with appropriate educational
28 materials on the effects of substance abuse by pregnant women. The
29 educational materials may include information on identifying signs of
30 alcohol and drug usage, the effects of alcohol and drug exposure,
31 conducting medical assessments as provided for by this chapter, and
32 referring patients to appropriate treatment and services.

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

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

3 NEW SECTION. **Sec. 9.** The sum of forty-five thousand dollars, or
4 as much thereof as may be necessary, is appropriated for the biennium
5 ending June 30, 1995, from the general fund to the University of
6 Washington for the purposes of this act.

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