

2022 Regular Session

SENATE BILL NO. 60

BY SENATOR CATHEY

SUBSTANCE ABUSE. Provides for the screening of birth mothers to provide assistance with substance use treatment and other resources. (8/1/22)

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AN ACT

To enact R.S. 40:1121.25, relative to the use of controlled dangerous substances by pregnant women; to provide for blood tests during labor; to provide for access to healthcare information and resources; to provide for limitations on the use of results; to provide for the duties of the Louisiana Department of Health and Department of Children and Family Services; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1121.25 is hereby enacted to read as follows:

§1121.25. Use of controlled dangerous substances while pregnant; blood test; information on resources to be provided

A. A physician who attends a pregnant woman during labor or delivery shall take or have taken a sample of her blood within eight hours after delivery to identify the presence of any controlled dangerous substance.

B. If the test result is positive, the healthcare facility where the birth occurred shall provide the mother with information regarding available resources, programs, and services for improving her own health and the health of her baby. The information shall include referrals to appropriate resources

1 for health screenings, behavioral health services, and substance use and
2 recovery services.

3 C. A positive test result obtained solely pursuant to this Section shall not
4 require a report of child abuse, nor shall it form the basis of prosecution for any
5 illegal action, unless the woman has obstetrical complications that are a medical
6 indication of possible use of a controlled substance for a nonmedical purpose.

7 D. The Louisiana Department of Health and the Department of
8 Children and Family Services shall work jointly to develop the information
9 necessary for healthcare facilities to implement the provisions of this Section.

10 The departments shall make the information available by posting on their
11 respective websites.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Brandi Cannon.

DIGEST

SB 60 Original

2022 Regular Session

Cathey

Proposed law provides that a physician who attends a pregnant woman during labor or delivery shall take or have taken a sample of her blood within eight hours after delivery to identify the presence of any controlled dangerous substance. Proposed law requires, in the case of a positive test result, for the healthcare facility where the birth occurred to provide the mother with information for improving her own health and the health of her baby, including referrals to appropriate resources for health screenings, behavioral health services, and substance use and recovery services.

Proposed law provides for a limit on the use of a positive test result obtained solely pursuant to proposed law, unless the woman has obstetrical complications that are a medical indication of possible use of a controlled substance for a nonmedical purpose.

Proposed law provides for the La. Dept. of Health and the Dept. of Children and Family Services to work jointly to develop the information necessary for healthcare facilities to implement the provisions of proposed law.

Effective August 1, 2022.

(Adds R.S. 40:1121.25)