

HOUSE BILL NO. HB0068

Methamphetamine-endangering children before birth.

Sponsored by: Representative(s) Harvey, Gingery, Martin
and White and Senator(s) Anderson, J.,
Barrasso and Hastert

A BILL

for

1 AN ACT relating to children; amending the definition of
2 "abuse" as specified; requiring drug courts, juvenile
3 courts and state-supported treatment facilities to give
4 priority to pregnant women and persons alleged to have
5 abused children by prenatal exposure to methamphetamine;
6 and providing for an effective date.

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8 *Be It Enacted by the Legislature of the State of Wyoming:*

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10 **Section 1.** W.S. 5-10-107 by creating a new subsection
11 (d), 9-2-2701(b), 14-3-202(a)(ii)(D) and 14-3-429(d)(ii)
12 are amended to read:

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14 **5-10-107. Conditions for admission to a drug court**
15 **program.**

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1 (d) Each drug court shall give priority in referral,
2 hearing and determination to persons alleged to have abused
3 a child as provided in W.S. 14-3-202(a)(ii)(D)(I) through
4 (III).

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6 **9-2-2701. Substance abuse control plan.**

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8 (b) The department of health shall, in consultation
9 with the department of education, department of family
10 services, department of workforce services and department of
11 corrections adopt rules and regulations establishing
12 standards for the effective treatment and prevention of
13 substance abuse. The rules shall be adopted by December 31,
14 2002, and shall include standards for providers, programs
15 and facilities. The rules shall include procedures for data
16 collection and analysis, protocols for testing and methods
17 of measuring outcomes. The rules shall require the use of
18 best practices, establish the means for determining
19 priorities for treatment and prevention services, set
20 standards for managing wait lists of patients and establish
21 standards for cross training and continuing education of
22 personnel. The rules shall specify certification
23 requirements for programs, providers and facilities. The
24 rules and regulations shall establish a process for denying

1 continued funding for programs or providers who fail to
2 comply with certification requirements established under
3 this section. The rules shall provide that state-supported
4 treatment centers shall give referral and scheduling
5 priority to the treatment of pregnant women and persons
6 alleged to have abused a child as provided in W.S.
7 14-3-202(a)(ii)(D)(I) through (III). The rules and
8 regulations establishing standards for treatment programs in
9 state correctional facilities and the secure facilities
10 authorized under W.S. 9-2-2704 shall be promulgated by the
11 department of corrections, in consultation with the
12 department of health, department of education, department of
13 family services and department of workforce services no
14 later than December 31, 2002. Rules and regulations
15 establishing standards for those programs reviewed pursuant
16 to W.S. 9-2-2705 shall be adopted no later than July 1,
17 2004.

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19 **14-3-202. Definitions.**

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21 (a) As used in W.S. 14-3-201 through 14-3-216:

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23 (ii) "Abuse" means inflicting or causing
24 physical or mental injury, harm or imminent danger to the

1 physical or mental health or welfare of a child other than
2 by accidental means, including abandonment, unless the
3 abandonment is a relinquishment substantially in accordance
4 with W.S. 14-11-101 through 14-11-109, excessive or
5 unreasonable corporal punishment, malnutrition or
6 substantial risk thereof by reason of intentional or
7 unintentional neglect, and the commission or allowing the
8 commission of a sexual offense against a child as defined
9 by law:

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11 (D) "Imminent danger" includes threatened
12 harm and means a statement, overt act, condition or status
13 which represents an immediate and substantial risk of
14 sexual abuse or physical or mental injury, and includes
15 prenatal exposure to methamphetamine, as evidenced by:

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17 (I) Withdrawal symptoms in the child
18 at birth;

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20 (II) Medical documentation of signs
21 and symptoms consistent with methamphetamine exposure in
22 the child at birth; or

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1 (III) Results of a confirmed
2 toxicology test for methamphetamine performed at birth on
3 the mother, the child, the placenta, mucosa, the newborn's
4 meconium or the umbilical cord.

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6 **14-3-429. Decree where child adjudged neglected;**
7 **dispositions; terms and conditions; legal custody.**

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9 (d) As a part of any order of disposition and the
10 terms and conditions thereof, the court may:

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12 (ii) Order the child, or his parents, or both, to
13 undergo evaluation and indicated treatment or another
14 program designed to address problems which contributed to
15 the adjudication, including any adjudication with respect to
16 a neglected child who has been abused as provided in W.S.
17 14-3-202(a)(ii)(D)(I) through (III). A parent who willfully
18 violates or neglects or refuses to comply with any order of
19 the court may be found in contempt and punished as provided
20 by W.S. 14-3-438;

21
22 **Section 2.** The department of health shall adopt rules
23 and regulations by December 31, 2007 implementing the
24 provisions of this act.

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2 **Section 3.** This act is effective July 1, 2007.

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(END)