

HOUSE BILL NO. HB0266

Testing of newborns.

Sponsored by: Representative(s) Gilmore, Harshman, Meyer
and Walsh and Senator(s) Jennings, Perkins,
Scott and Sessions

A BILL

for

1 AN ACT relating to children; providing for testing of
2 newborns to screen for specified controlled substances;
3 providing for temporary custody of newborns testing
4 positive for specified controlled substances; providing for
5 temporary protective orders for newborns testing positive
6 for specified controlled substances; and providing for an
7 effective date.

8

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

10

11 **Section 1.** W.S. 35-2-122 is created to read:

12

13 **35-2-122. Neonatal blood testing.**

14

15 (a) Neonatal blood testing for controlled substances
16 listed in Schedule II, III, IV and V of the Wyoming

1 controlled substance act, W.S. 35-7-1001 through 35-7-1060,
2 shall be provided, at the regularly established charges of
3 the hospital, for every child born at any hospital licensed
4 in the state of Wyoming. The blood draw shall be done in
5 conjunction with the medical examination of newborns
6 provided pursuant to W.S. 35-4-801.

7

8 (b) Neither the results of the blood testing nor any
9 evidence obtained as a consequence of the testing required
10 under subsection (a) of this section shall be used in any
11 criminal proceeding against the parents of the child, but
12 may be used to support a finding that there is reasonable
13 cause to believe an imminent danger to the child's life,
14 health or safety exists unless the child is taken into
15 temporary protective custody under W.S. 14-3-405.

16

17 **Section 2.** W.S. 14-3-405(b) and (c)(intro) is amended
18 to read:

19

20 **14-3-405. Taking of child into custody; when**
21 **permitted.**

22

23 (b) A child may be taken into temporary protective
24 custody by a physician, physician's assistant or nurse

1 practitioner without a warrant or court order and without
2 the consent of the parents, guardians or others exercising
3 temporary or permanent control over the child when the
4 physician, physician's assistant or nurse practitioner
5 treating the child, or a hospital in which the child is
6 being treated, finds that there is reasonable cause to
7 believe an imminent danger to the child's life, health or
8 safety exists unless the child is taken into protective
9 custody, including the detection of specified controlled
10 substances in the blood of a newborn child as provided in
11 W.S. 35-2-122 which indicate substance abuse by the mother
12 as defined in W.S. 35-1-613(a)(viii), whether or not
13 additional medical treatment is required, and there is not
14 time to apply for a court order.

15

16 (c) A district attorney may file an emergency
17 petition, or the department of family services, a local law
18 enforcement officer, an administrator of a hospital in
19 which a child reasonably believed to have been abused or
20 neglected is being treated, or any physician, physician's
21 assistant or nurse practitioner who treated the child may
22 request the court for a protective order. After
23 considering the emergency petition or request, the judge or
24 commissioner, upon finding that there is reasonable cause

1 to believe that a child has been abused or neglected, or
2 that there is reasonable cause to believe an imminent
3 danger to the child's life, health or safety exists unless
4 the child is taken into temporary protective custody and
5 that the child, by continuing in his place of residence or
6 in the care and custody of the person responsible for his
7 health, safety and welfare, would be in imminent danger of
8 his life, health or safety, may:

9

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

11

12

(END)