

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; providing that criminal child
2 endangerment includes prenatal exposure to methamphetamine,
3 as specified; amending the definition of "child" for
4 purposes of child protective services to include newborns
5 exposed to methamphetamine prenatally; requiring drug
6 courts and state-supported treatment facilities to give
7 priority to pregnant women and persons charged with
8 endangering children by prenatal exposure to
9 methamphetamine; and providing for an effective date.

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

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13 **Section 1.** W.S. 5-10-107 by creating a new subsection
14 (d), 6-4-405 by creating a new subsection (d), 9-2-2701(b)
15 and 14-3-202(a)(iii) are amended to read:

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1 **5-10-107. Conditions for admission to a drug court**
2 **program.**

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4 (d) Each drug court shall give priority in referral,
5 hearing and determination to persons charged with
6 endangering a child as defined in W.S. 6-4-405(d).

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8 **6-4-405. Endangering children; controlled substances;**
9 **penalty.**

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11 (d) For purposes of paragraph (a)(i) of this section,
12 "child" includes a newly born child exposed to
13 methamphetamine before birth, as established by any
14 evidence, including but not limited to the following:

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16 (i) Signs and symptoms consistent with
17 methamphetamine exposure, including withdrawal, in the
18 child or mother;

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

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1 (iii) Results of a confirmed toxicology test for
2 methamphetamine performed at birth on the mother, the child,
3 the placenta, mucosa or the umbilical cord.

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5 **9-2-2701. Substance abuse control plan.**

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

1 comply with certification requirements established under
2 this section. The rules shall provide that state-supported
3 treatment centers shall give referral and scheduling
4 priority to the treatment of pregnant women and persons
5 charged with endangering a child as defined in W.S.
6 6-4-405(d). The rules and regulations establishing standards
7 for treatment programs in state correctional facilities and
8 the secure facilities authorized under W.S. 9-2-2704 shall
9 be promulgated by the department of corrections, in
10 consultation with the department of health, department of
11 education, department of family services and department of
12 workforce services no later than December 31, 2002. Rules
13 and regulations establishing standards for those programs
14 reviewed pursuant to W.S. 9-2-2705 shall be adopted no later
15 than July 1, 2004.

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17 **14-3-202. Definitions.**

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

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21 (iii) "Child" means:

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23 (A) Any person under the age of eighteen

24 (18); and

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(B) For purposes of paragraph (a)(ii) of this section, includes a newly born child exposed to methamphetamine before birth, as established by any evidence, including but not limited to the following:

(I) Signs and symptoms consistent with methamphetamine exposure, including withdrawal, in the child or mother;

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

(III) Results of a confirmed toxicology test for methamphetamine performed at birth on the mother, the child, the placenta, mucosa or the umbilical cord.

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

