

AMENDED IN ASSEMBLY APRIL 19, 2006

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2818**

---

---

**Introduced by Assembly Member Maze**

February 24, 2006

---

---

An act to add Chapter 2.3 (commencing with Section 11757.70) to Part 1 of Division 10.5 of the Health and Safety Code, relating to child and maternal health.

LEGISLATIVE COUNSEL'S DIGEST

AB 2818, as amended, Maze. Maternal use of narcotics: testing.

Existing law establishes the State Department of Health Services and sets forth its powers and duties, including, but not limited to, duties regarding licensing and certification of health facilities, and regarding maternal and child health. Existing law establishes the State Department of Alcohol and Drug Programs and sets forth its powers and duties, including, but not limited to, duties related to alcohol and drug affected mothers and infants.

~~This bill would require the State Department of Health Services, in consultation with the State Department of Alcohol and Drug Programs, to conduct a pilot program that would randomly select 12 health facilities to conduct random tests of mothers and their infants at birth to determine the prevalence of illegal narcotics use by expectant mothers, and to report the statistical results to the Legislature by January 1, 2008 by January 15, 2008, to develop a legal and illegal drug use surveillance program, as specified, which shall not be implemented without subsequent statutory authorization.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Chapter 2.3 (commencing with Section  
2 11757.70) is added to Part 1 of Division 10.5 of the Health and  
3 Safety Code, immediately following Section 11757.61, to read:

4  
5 CHAPTER 2.3. ~~DRUG TESTING OF MOTHERS AND INFANTS~~  
6 ~~LEGAL AND ILLEGAL DRUG USE SURVEILLANCE PROGRAM~~  
7

8 ~~11757.70. (a) The State Department of Health Services, in~~  
9 ~~consultation with the State Department of Alcohol and Drug~~  
10 ~~Programs, shall establish a pilot program to determine the~~  
11 ~~incidence of illegal narcotic use by expectant mothers.~~

12 ~~(b) The State Department of Health Services shall randomly~~  
13 ~~select 12 health facilities licensed as general acute care hospitals~~  
14 ~~pursuant to subdivision (a) of Section 1250 that provide~~  
15 ~~obstetrical and neonatal services to participate in the program.~~

16 ~~(c) The State Department of Health Services shall establish~~  
17 ~~protocols for the program that require each participating health~~  
18 ~~facility to conduct random urine tests of mothers and their infants~~  
19 ~~at birth. The confidential tests shall be undisclosed to the mother~~  
20 ~~and shall be designed to identify the illegal use of narcotics by~~  
21 ~~the mother. The program shall require that if the mother tests~~  
22 ~~positive and the baby tests negative, that a further test be~~  
23 ~~conducted of the baby's meconium.~~

24 ~~(d) The State Department of Health Services shall establish~~  
25 ~~protocols for the program that require the selected health~~  
26 ~~facilities to compile the results in a statistical report in a manner~~  
27 ~~that does not identify the mothers or infants tested and shall~~  
28 ~~require the selected health facilities to report the results to the~~  
29 ~~State Department of Health Services and the State Department of~~  
30 ~~Alcohol and Drug Programs in a statistical format designed by~~  
31 ~~the State Department of Health Services in consultation with the~~  
32 ~~State Department of Alcohol and Drug Programs.~~

33 ~~(e) The State Department of Health Services, in consultation~~  
34 ~~with the State Department of Alcohol and Drug Programs, shall~~  
35 ~~report the statewide results of the pilot program to the Legislature~~  
36 ~~by January 1, 2008.~~

37 ~~11757.70. (a) By January 15, 2008, the State Department of~~  
38 ~~Health Services shall develop a plan to establish a statewide~~

1 *surveillance program to ascertain changes in rates of, and*  
2 *patterns of, legal and illegal drug use in California. This*  
3 *proposal shall include a proposed budget and be provided to the*  
4 *Legislature for consideration. The plan shall not be implemented*  
5 *with subsequent statutory authorization.*

6 *(b) The intent of the Legislature is to consider establishing and*  
7 *funding an ongoing surveillance system that provides timely*  
8 *information on rates of drug use and changes in patterns of drug*  
9 *use among the following groups of California residents:*

10 *(1) Women of reproductive age.*

11 *(2) Women receiving prenatal or obstetrics care.*

12 *(3) Newborns.*

13 *(c) The purpose of the surveillance system and data collected*  
14 *for the system is to educate the public and provide basis for*  
15 *sound policy decisions. This data shall not be used for*  
16 *enforcement investigations by child welfare, law enforcement, or*  
17 *other agencies or groups, nor is it intended to be used in*  
18 *diagnosis or treatment of any medical condition, including*  
19 *addiction. This data shall be collected in a way that protects the*  
20 *safety, dignity, anonymity, and privacy of study participants,*  
21 *consistent with the highest standards of scientific studies that*  
22 *utilize human subjects.*

23 *(d) The data shall be collected in a manner that is rigorous*  
24 *and cost-effective. Among the approaches to be considered are*  
25 *as follows:*

26 *(1) Anonymous surveys.*

27 *(2) Serum collection and analysis.*

28 *(3) Representative population sampling.*