

Regular Session, 2012

HOUSE BILL NO. 370

BY REPRESENTATIVE HOFFMANN

DISTRICT ATTORNEYS: Authorizes a district attorney to convene a multidisciplinary team in cases involving pregnant women who test positive for controlled dangerous substances

1 AN ACT

2 To enact R.S. 40:1094, relative to prenatal addiction; to provide for the convening of a
3 multidisciplinary team by a district attorney in parishes with certain population
4 ranges regarding the disposition of cases involving pregnant women who test
5 positive for controlled dangerous substances while under arrest; to provide for the
6 makeup of the multidisciplinary team; to provide for the term of members of the
7 multidisciplinary team; to provide for definitions; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 40:1094 is hereby enacted to read as follows:

10 §1094. Use of controlled dangerous substances while pregnant; multidisciplinary
11 team

12 A. A district attorney in a parish with a population of not less than twenty-
13 seven thousand and not more than thirty thousand and a parish with a population of
14 not less than one hundred fifty thousand and not more than one hundred sixty
15 thousand according to the most recent federal decennial census may convene a
16 multidisciplinary team to assist in making a determination of the appropriate
17 disposition of a case where a pregnant woman under arrest tests positive for
18 controlled dangerous substances for which she does not have a valid, legal

1 prescription, as provided for in the Uniform Controlled Dangerous Substances Law.

2 Each member of the multidisciplinary team shall serve a term of two years.

3 B. The multidisciplinary team may include but is not limited to the following
4 persons:

5 (1) A Louisiana board certified physician trained in obstetrics and
6 gynecology.

7 (2) A licensed nurse with experience in caring for drug- or alcohol-exposed
8 newborn infants.

9 (3) A law enforcement officer employed by a local or state law enforcement
10 agency.

11 (4) An employee of the Department of Children and Family Services with
12 a background and experience with federal and state benefits, such as Medicaid.

13 (5) An individual associated with a nonprofit organization with a background
14 and experience in charitable and faith-based resources for treatment of alcohol and
15 drug abuse or addiction.

16 (6) A licensed social worker or counselor with training and experience in the
17 treatment of drug or alcohol addiction.

18 C. As used in this Section, "appropriate disposition" may include but shall
19 not be limited to filing a petition for involuntary commitment as provided for in R.S.
20 28:53 and 53.2 to a public facility or a private facility willing to accept the pregnant
21 woman for treatment.

22 D. The authority provided by the provisions of this Section shall exist from
23 the time of arrest to the time of dismissal, acquittal, or conviction.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Hoffmann

HB No. 370

Abstract: Authorizes a district attorney in a parish with a certain population to convene a multidisciplinary team regarding cases of pregnant women who test positive for controlled dangerous substances following an arrest.

Proposed law provides that a district attorney in a parish with a population of not less than 27,000 and not more than 30,000 and a parish with a population of not less than 150,000 and not more than 160,000 may convene a multidisciplinary team to assist in making a determination of the appropriate disposition of a case where a pregnant woman under arrest tests positive for controlled dangerous substances for which she does not have a valid, legal prescription, as provided for in the Uniform Control Dangerous Substance Law.

Proposed law provides that the members of the multidisciplinary team shall serve a term of two years.

Proposed law provides that the multidisciplinary team may include:

- (1) A La. board certified physician trained in obstetrics and gynecology.
- (2) A licensed nurse with experience in caring for drug- or alcohol-exposed newborn infants.
- (3) A law enforcement officer employed by a local or state law enforcement agency.
- (4) An employee of the Dept. of Children and Family Services with a background and experience with federal and state benefits, such as Medicaid.
- (5) An individual associated with a nonprofit organization with a background and experience in charitable and faith-based resources for treatment of alcohol and drug abuse or addiction.
- (6) A licensed social worker or counselor with training and experience in the treatment of drug or alcohol addiction.

Proposed law provides that "appropriate disposition" may include the filing of a petition for involuntary commitment as provided for in present law.

Proposed law provides that the authority in proposed law shall exist from the time of arrest to the time of dismissal, acquittal, or conviction.

(Adds R.S. 40:1094)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Judiciary to the original bill.

1. Deleted the provisions in proposed law which gave authority to the district attorney to convene a multidisciplinary team for a woman abusing or addicted to controlled dangerous substances or alcohol and added such authority relative to a pregnant woman who is under arrest and tests positive for a controlled dangerous substance.
2. Added authority for the multidisciplinary team to include certain persons with training in certain areas.
3. Provided that the authority granted to the district attorney pursuant to proposed law shall exist from the time of arrest to the time of dismissal, acquittal, or conviction.

House Floor Amendments to the engrossed bill.

1. Added a provision to restrict members of the multidisciplinary team to a term of two years.
2. Added a provision to change the authority for a district attorney to convene a multidisciplinary team from statewide application to a district in a parish with a population of not less than 27,000 and not more than 30,000 and a parish with a population of not less than 150,000 and not more than 160,000.
3. Added an exception for a pregnant woman who has a valid legal prescription for a controlled dangerous substance.
4. Made technical amendments.