

Sec. 3. **LOCAL APPROVAL.**

Section 1 is effective the day following final enactment. Section 2 is effective retroactive to July 10, 1990, upon approval by the governing body of Brown county and compliance with Minnesota Statutes, section 645.021, subdivision 3.

Presented to the governor April 3, 1998

Became law without the governor's signature April 7, 1998

**CHAPTER 361—H.F.No. 3184**

*An act relating to health; providing for voluntary reporting of alcohol abuse by a pregnant woman; providing for assessments and services; amending Minnesota Statutes 1996, section 13.99, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 626.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1996, section 13.99, is amended by adding a subdivision to read:

Subd. 112a. REPORTS OF ALCOHOL ABUSE. Data on persons making reports under section 626.5563 are classified under section 626.5563, subdivision 5.

Sec. 2. **[626.5563] REPORTING PRENATAL EXPOSURE TO ALCOHOL ABUSE.**

Subdivision 1. DEFINITION. For purposes of this section, "abuse of alcohol" means:

(1) the person has required detoxification for alcohol intoxication during the pregnancy; or

(2) the person is found to have a possible alcohol problem through the use of a validated alcohol screening test approved by the commissioner of human services.

Subd. 2. REPORT PERMITTED. (a) If a person mandated to report under section 626.556, subdivision 3, knows or has reason to believe that a woman is pregnant and has knowingly abused alcohol after she knows of the pregnancy, the person may:

(1) arrange for a chemical use assessment conducted according to rules adopted by the commissioner of human services under section 254A.03, subdivision 3, and confirm that the recommendations indicated by the assessment are followed; or

(2) immediately report to the local welfare agency or maternal child substance abuse project.

(b) If the woman is referred for a chemical use assessment under paragraph (a), clause (1), and fails to obtain an assessment or refuses to comply with the recommendations of the assessment, a report must be made to the local welfare agency or maternal child substance abuse project providing services to the area where the woman resides.

New language is indicated by underline, deletions by ~~strikeout~~.

(c) Any adult household member may make a voluntary report if the person knows or has reason to believe that a woman in the household is pregnant and has abused alcohol during the pregnancy.

(d) A report shall be of sufficient content to identify the pregnant woman, the nature and extent of the abuse of alcohol, any health risk associated with the abuse of alcohol, if known, and the name and address of the reporter.

Subd. 3. LOCAL WELFARE AGENCY. (a) A local welfare agency receiving a report under subdivision 2 shall, within five working days, conduct an appropriate assessment and offer services indicated under the circumstances. The local welfare agency may meet this requirement by referral to a local maternal child substance abuse project.

(b) Services offered must include a chemical use assessment conducted according to rules adopted by the commissioner of human services under section 254A.03, subdivision 3. If the chemical use assessment indicates that the woman is in need of chemical dependency treatment, the local welfare agency must arrange for provision of the indicated level of chemical dependency care.

(c) If the woman refuses to comply with the recommendations of the chemical use assessment or is found by a maternal child substance abuse project to be continuing the abuse of alcohol, the noncompliance must be reported to the local welfare agency. The local welfare agency shall report the disposition of all cases of noncompliance to the commissioner of human services.

Subd. 4. IMMUNITY. A person making a report under subdivision 2 or assisting in an assessment under subdivision 3 is immune from civil or criminal liability if the person acted in good faith in making the report. If a person mandated to report under section 626.556, subdivision 3, does not make a report under subdivision 2, that person is not subject to the penalties of section 626.556, subdivision 6, for failure to report. No civil, criminal, or administrative proceeding may be instituted against a person for not making a report under subdivision 2.

Subd. 5. DATA ON REPORTERS. Data on persons making reports under this section are confidential data on individuals as defined in section 13.02.

### **Sec. 3. REPORT REQUIRED.**

The commissioner of human services shall evaluate the impact of the changes in the reporting provisions in section 2 and submit a report to the legislature by February 1, 2001. For purposes of this evaluation, local welfare agencies and maternal child substance abuse projects shall provide summary data to the commissioner on the number of reports and referrals that they receive, the number of women who receive or refuse services, and the disposition of cases of women who refuse services.

### **Sec. 4. EFFECTIVE DATE.**

Sections 2 and 3 are effective August 1, 1999.

Presented to the governor April 3, 1998

Signed by the governor April 6, 1998, 1:40 p.m.

**New language is indicated by underline, deletions by strikeout.**