

Regular Session, 2012

# ACT No. 579

HOUSE BILL NO. 370

BY REPRESENTATIVE HOFFMANN

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, a parish with a population of not  
14 less than one hundred fifty thousand and not more than one hundred sixty thousand,  
15 and a parish with a population of not less than three hundred thousand and not more  
16 than four hundred thousand according to the most recent federal decennial census  
17 may convene a multidisciplinary team to assist in making a determination of the  
18 appropriate disposition of a case where a pregnant woman under arrest tests positive  
19 for controlled dangerous substances for which she does not have a valid, legal  
20 prescription, as provided for in the Uniform Controlled Dangerous Substances Law.  
21 Each member of the multidisciplinary team shall serve a term of two years.

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

1                   (1) A Louisiana board-certified physician trained in obstetrics and  
2                   gynecology.

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

5                   (3) A law enforcement officer employed by a local or state law enforcement  
6                   agency.

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

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

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

14                  C. As used in this Section, "appropriate disposition" may include but shall  
15                  not be limited to filing a petition for involuntary commitment as provided for in R.S.  
16                  28:53 and 53.2 to a public facility or a private facility willing to accept the pregnant  
17                  woman for treatment.

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

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_