

# Perinatal Substance

## Use Disorder Legislation Overview

### State

2003

#### ● Keeping Families Safe Act

“The development of a Plan of Safe Care (POSC) for the infant born and identified as being affected by illegal substance abuse or withdrawal symptoms;” health care providers involved in the delivery must notify CPS (≠abuse)

#### ● Substance Exposed Newborn Steering Committee (SuPPoRT Colorado) Established

2008

Chaired by state attorney general as subcommittee of Methamphetamine Task Force

2010

#### ● Child Abuse Prevention and Treatment Act (CAPTA) Reauthorization

Addition of FASD to diagnoses requiring a Plan of Safe Care

#### ● Colorado House Bill 12-1100

2012

Information related to substance use obtained for purposes of providing prenatal care is inadmissible in criminal proceeding requires duplication so that should be clarified

#### ● Colorado Senate Bill 13-244

2013

Established CO Substance Abuse Trend and Response Task Force (formerly Methamphetamine Task Force)

### Federal legislation



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## State Level

### 2016 ● Comprehensive Abuse and Recovery Act (CARA)

Amendment to CAPTA; term “illegal” removed when referring to substance use; ensure the safety and well-being of infants following release from the care of health care providers by addressing the needs of infant AND caregiver via POSC; CPS data reporting specifications; mandated POSC monitoring systems

### 2018 ● SUPPORT Act

Improved federal response to families impacted by substance use via task force development, POSC support via Health and Human Services, and education regarding recognition of early childhood trauma related to substance use

### HB 19-1193 ● 2019

Increased access to substance use disorder treatment for pregnant and parenting women up to 1 year postpartum; prohibited admission into evidence in criminal proceeding information related to substance use during pregnancy obtained as part of providing postpartum care up to 1 year postpartum or while seeking or participating in behavioral health treatment

### SB 20-028 ● 2020

Modified definition and determination of child abuse, neglect, or dependency in situations involving alcohol or substance exposure: “Any case in which a child is born affected by alcohol or substance exposure, except when taken as prescribed or recommended and monitored by a licensed health-care provider, and the newborn child’s health or welfare is threatened by substance use”

## Federal Level

### IN SUMMARY:

- Over two decades of work at the state and federal level have gone towards improving the care of families impacted by substance use.
- Pregnant people cannot be criminally prosecuted for substance use, and state dollars must go towards providing services for these patients once substance use is recognized and/or treatment is determined.
- A positive toxicology test alone does not constitute child abuse/neglect.



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