

# Perinatal Substance Use:

## Legislation Overview

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Quality Improvement Collaborative Steering Committee

### Colorado Chapter

American Academy of Pediatrics  
DEDICATED TO THE HEALTH OF ALL CHILDREN® 

## Colorado State Legislation

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 care of these infants must notify CPS of the delivery event; this notification does not constitute a report of abuse or neglect.

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

Chaired by state attorney general as subcommittee of Methamphetamine Task Force.

2008

2010

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

Addition of Fetal Alcohol Spectrum Disorder to diagnoses for which a Plan of Safe Care is required.

### Colorado House Bill 12-1100

Information related to substance use obtained for purposes of providing prenatal care is inadmissible in criminal proceedings.

2012

### Colorado Senate Bill 13-244

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

2013

## Federal Legislation



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# Colorado State Legislation

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

Amended CAPTA; removed the term “illegal” when referring to substance use; POSC must address the safety and well-being of infants AND their caregivers; specified CPS data reporting requirements and mandated POSC monitoring systems.

## 2018 ● SUPPORT Act

Improved response to families impacted by substance use via establishment of task forces, increased state funding for social service and health care agencies in Plans of Safe Care implementation and monitoring, and expanded education regarding early recognition of 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; encouraged health care providers and county agencies to identify and support needs of pregnant and parenting women.

## 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 Legislation

## 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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