Second Regular Session Sixty-eighth General Assembly STATE OF COLORADO

REVISED

This Version Includes All Amendments Adopted on Second Reading in the Second House HOUSE BILL 12-1100

LLS NO. 12-0224.01 Jane Ritter x4342

HOUSE SPONSORSHIP

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A BILL FOR AN ACT

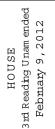
101 **CONCERNING THE ADMISSIBILITY IN CRIMINAL PROCEEDINGS OF THE**

102 **RESULTS OF A PRENATAL SCREENING FOR ILLEGAL SUBSTANCES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://www.leg.state.co.us/billsummaries.)

The bill makes the results of any information related to substance use obtained as part of a screening or test performed for the purpose of determining pregnancy or providing prenatal care inadmissible in any criminal proceeding. SENATE 2nd Reading Unam ended February 23, 2012



ended 2nd Reading

Am

HOUSE

Febmary 8, 2012

1 Be it enacted by the General Assembly of the State of Colorado:

2 SECTION 1. Legislative declaration. (1) The general assembly
3 hereby finds and declares that:

4 (a) Substance use during pregnancy is a widespread and5 concerning problem in the state of Colorado;

6 (b) Based on prevalence and population figures, among pregnant 7 women 15 to 44 years of age, 4.4% reported current illicit drug use and 8 10.8% reported current alcohol use. In Colorado, an estimated 14.5% of 9 pregnant women use alcohol during the third trimester of pregnancy. 10 Across substances, use rates are highest among pregnant women 15 to 17 11 years of age, with approximately 15% reporting illicit substance use, 12 followed closely by women 18 to 25 years of age.

13 (c) Prenatal substance exposure can have a devastating impact on
14 a developing fetus;

15 (d) For many women, pregnancy can be a time of increased
16 motivation to address their addictions out of concern for their unborn
17 child;

(e) Relatively few pregnant women with substance use issues,
however, participate in treatment programs, despite the availability of
services to help them quit using drugs and alcohol, often because of fear
of criminal prosecution; and

(f) Members of the Substance Exposed Newborns Steering
Committee of the State Methamphetamine Task Force, in collaboration
with the Colorado Commission on Criminal and Juvenile Justice and the
Colorado District Attorney's Council, studied the issue and developed
recommendations to address the problem.

(2) The general assembly further finds and declares that in order
 to encourage pregnant women with substance use issues to seek important
 prenatal care and appropriate treatment, legislation is necessary to provide
 protection from criminal prosecution for pregnant women who are
 identified during prenatal care as having used substances.

6 SECTION 2. In Colorado Revised Statutes, add 13-25-136 as
7 follows:

8 Criminal actions - prenatal drug and alcohol 13-25-136. 9 screening - admissibility of evidence. A COURT SHALL NOT ADMIT IN A 10 CRIMINAL PROCEEDING INFORMATION RELATING TO SUBSTANCE USE NOT 11 OTHERWISE REQUIRED TO BE REPORTED PURSUANT TO SECTION 19-3-304, 12 C.R.S., OBTAINED AS PART OF A SCREENING OR TEST PERFORMED TO 13 DETERMINE PREGNANCY OR TO PROVIDE PRENATAL CARE FOR A PREGNANT 14 WOMAN. THIS SECTION SHALL NOT BE INTERPRETED TO PROHIBIT 15 PROSECUTION OF ANY CLAIM OR ACTION RELATED TO SUCH SUBSTANCE 16 USE BASED ON EVIDENCE OBTAINED THROUGH METHODS OTHER THAN THE 17 SCREENING OR TESTING DESCRIBED IN THIS SECTION. 18 **SECTION 3.** Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediatepreservation of the public peace, health, and safety.