

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 275, Page 2, Section 21.790, Line 33, by
2 inserting after said section and line the following:

3
4 "191.737. 1. Notwithstanding the physician-patient privilege, any physician or health care
5 provider may refer to the children's division families in which children may have been exposed to a
6 controlled substance listed in section 195.017, schedules I, II and III, or alcohol as evidenced by a
7 written assessment, made or approved by a physician, health care provider, or by the children's
8 division, that documents the child as being at risk of abuse or neglect and either:

9 (1) Medical documentation of signs and symptoms consistent with controlled substances or
10 alcohol exposure in the child at birth; or

11 (2) Results of a confirmed toxicology test for controlled substances performed at birth on
12 the mother or the child~~[-and~~

13 ~~———(3) A written assessment made or approved by a physician, health care provider, or by the~~
14 ~~children's division which documents the child as being at risk of abuse or neglect].~~

15 2. Notwithstanding the physician-patient privilege, any physician or health care provider
16 shall refer to the children's division families in which infants are born and identified as affected by
17 substance abuse, withdrawal symptoms resulting from prenatal drug exposure, or a Fetal Alcohol
18 Spectrum Disorder as evidenced by:

19 (1) Medical documentation of signs and symptoms consistent with controlled substances or
20 alcohol exposure in the child at birth; or

21 (2) Results of a confirmed toxicology test for controlled substances performed at birth on the
22 mother or the child.

23 [2]3. Nothing in this section shall preclude a physician or other mandated reporter from
24 reporting abuse or neglect of a child as required pursuant to the provisions of section 210.115.

25 [3]4. Any physician or health care provider complying with the provisions of this section, in
26 good faith, shall have immunity from any civil liability that might otherwise result by reason of such
27 actions.

28 [4]5. Referral and associated documentation provided for in this section shall be
29 confidential and shall not be used in any criminal prosecution."; and

30
31 Further amend said bill by amending the title, enacting clause, and intersectional references
32 accordingly.

Action Taken _____ Date _____