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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1899 Session of  
2017

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INTRODUCED BY McCLINTON, BULLOCK, DERMODY, CHARLTON,  
SCHLOSSBERG, GALLOWAY, DAVIS, V. BROWN, TOEPEL, MILLARD,  
KINSEY, O'BRIEN, WARD, READSHAW, KIRKLAND, DAVIDSON, MOUL,  
DONATUCCI AND ROZZI, NOVEMBER 6, 2017

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REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, NOVEMBER 6, 2017

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AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania  
2 Consolidated Statutes, in child protective services, further  
3 providing for mandatory reporting of children under one year  
4 of age.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Section 6386 of Title 23 of the Pennsylvania  
8 Consolidated Statutes is amended to read:

9 § 6386. Mandatory reporting of children under one year of age  
10 and certain other children.

11 (a) When report to be made.--A health care provider shall  
12 immediately make a report or cause a report to be made to the  
13 appropriate county agency if the provider is involved in the  
14 delivery or care of a child under one year of age who is born  
15 and identified as being affected by any of the following:

16 (1) Illegal substance abuse by the child's mother.

17 (2) Withdrawal symptoms, including neonatal abstinence

18 syndrome, resulting from prenatal [drug] exposure [unless the

1 child's mother, during the pregnancy, was:

2 (i) under the care of a prescribing medical  
3 professional; and

4 (ii) in compliance with the directions for the  
5 administration of a prescription drug as directed by the  
6 prescribing medical professional.] to heroin, an opioid  
7 drug or any other illegal substance.

8 (3) A Fetal Alcohol Spectrum Disorder.

9 (4) Withdrawal symptoms from prenatal exposure to a  
10 prescription drug, unless during pregnancy the child's mother  
11 was:

12 (i) under the primary care and treatment of a  
13 prescribing health care provider; and

14 (ii) in compliance with prescribing directions for  
15 the administration of the prescription drug as directed  
16 by the prescribing health care provider.

17 (a.1) Mandatory reporting applicable to all children.--A  
18 health care provider or first responder organization shall  
19 immediately make a report or cause a report to be made to the  
20 appropriate county agency if the health care provider or first  
21 responder renders emergency medical service, including the  
22 administration of Naloxone, for a heroin or an opioid overdose  
23 or an overdose resulting from the use of another illegal  
24 substance by a parent of a child under 18 years of age or by any  
25 other individual residing in the parent's household.

26 (b) Safety or risk assessment.--The county agency shall  
27 perform a safety assessment or risk assessment, or both, for the  
28 child and determine whether child protective services or general  
29 protective services are warranted.

30 (c) County agency duties.--Upon receipt of a report under

1 this section, the county agency for the county where the child  
2 resides shall:

3 (1) Immediately ensure the safety of the child and see  
4 the child immediately if emergency protective custody is  
5 required or has been or shall be taken or if it cannot be  
6 determined from the report whether emergency protective  
7 custody is needed.

8 (2) Physically see the child within 48 hours of receipt  
9 of the report.

10 (3) Contact the parents of the child within 24 hours of  
11 receipt of the report.

12 (4) Provide or arrange reasonable services to ensure the  
13 child is provided with proper parental care, control and  
14 supervision.

15 (5) When an overdose is confirmed as a result of a  
16 report submitted under subsection (a.1), immediately see the  
17 child to determine if emergency protective custody is  
18 required to ensure that the health, safety and general well-  
19 being of the child is protected.

20 (d) Definitions.--As used in this section, the following  
21 words and phrases shall have the meanings given to them in this  
22 subsection unless the context clearly indicates otherwise:

23 "First responder organization." The term shall include the  
24 following:

25 (1) A volunteer fire or rescue company or emergency  
26 medical services provider located in this Commonwealth.

27 (2) Law enforcement personnel of this Commonwealth,  
28 including Pennsylvania State Police troopers.

29 "Illegal substance." A controlled substance, designer drug  
30 or narcotic drug as those terms are defined in section 2 of the

1 act of April 14, 1972 (P.L.233, No.64), known as The Controlled  
2 Substance, Drug, Device and Cosmetic Act.

3 "Neonatal abstinence syndrome." A group of health problems  
4 that occur in an infant who was exposed to opioid drugs in  
5 vitro, including, but not limited to, heroin, codeine,  
6 oxycodone, methadone or buprenorphine.

7 "Opioid drug." The term shall include any of the following:

8 (1) A preparation or derivative of opium.

9 (2) A synthetic narcotic that has opiate-like effects  
10 but is not derived from opium.

11 (3) A group of naturally occurring peptides that bind at  
12 or otherwise influence opiate receptors, including an opioid  
13 agonist.

14 "Overdose." The term shall include:

15 (1) The consumption, ingestion, inhalation, application  
16 or use of an illegal substance in violation of the applicable  
17 provisions of The Controlled Substance, Drug, Device and  
18 Cosmetic Act in an amount or under circumstances which may  
19 result in severe toxicity or death.

20 (2) The consumption, ingestion, injection, inhalation,  
21 application or use of an illegal substance which has been  
22 processed, cut, prepared or otherwise mixed with another  
23 illegal substance or prescription drug in violation of the  
24 applicable provisions of The Controlled Substance, Drug,  
25 Device and Cosmetic Act in an amount or under circumstances  
26 which may result in severe toxicity or death.

27 (3) The consumption, ingestion, inhalation, application  
28 or use of a prescription drug in a manner not recommended by  
29 or in quantities greater than prescribed by a health care  
30 provider which may result in severe toxicity or death.

1       "Prescription drug." A drug as defined under section 2 of  
2 The Controlled Substance, Drug, Device and Cosmetic Act.  
3       Section 2. This act shall take effect in 60 days.