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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 1026

02/11/2021 Authored by Morrison, O'Neill and Franke
The bill was read for the first time and referred to the Committee on Human Services Finance and Policy

1.1 A bill for an act
1.2 relating to child welfare; modifying requirements for reporting prenatal substance
1.3 use; amending Minnesota Statutes 2020, section 260E.31, subdivision 1.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2020, section 260E.31, subdivision 1, is amended to read:

1.6 Subdivision 1. Reports required. (a) Except as provided in paragraph (b), a person
1.7 mandated to report under this chapter shall immediately report to the local welfare agency
1.8 if the person knows or has reason to believe that a woman is pregnant and has used a
1.9 controlled substance for a nonmedical purpose during the pregnancy, including but not
1.10 limited to tetrahydrocannabinol, or has consumed alcoholic beverages during the pregnancy
1.11 in any way that is habitual or excessive.

1.12 (b) A health care professional or a social service professional who is mandated to report
1.13 under this chapter is exempt from reporting under paragraph (a) a woman's use or
1.14 consumption of tetrahydrocannabinol or alcoholic beverages during pregnancy if the
1.15 professional is providing or collaborating with other professionals to provide the woman
1.16 with prenatal care, postpartum care, or other health care services, including care of the
1.17 woman's infant.

1.18 (c) Any person may make a voluntary report if the person knows or has reason to believe
1.19 that a woman is pregnant and has used a controlled substance for a nonmedical purpose
1.20 during the pregnancy, including but not limited to tetrahydrocannabinol, or has consumed
1.21 alcoholic beverages during the pregnancy in any way that is habitual or excessive.

2.1 (d) An oral report shall be made immediately by telephone or otherwise. An oral report  
2.2 made by a person required to report shall be followed within 72 hours, exclusive of weekends  
2.3 and holidays, by a report in writing to the local welfare agency. Any report shall be of  
2.4 sufficient content to identify the pregnant woman, the nature and extent of the use, if known,  
2.5 and the name and address of the reporter. The local welfare agency shall accept a report  
2.6 made under paragraph (c) notwithstanding refusal by a voluntary reporter to provide the  
2.7 reporter's name or address as long as the report is otherwise sufficient.

2.8 (e) For purposes of this section, "prenatal care" means the comprehensive package of  
2.9 medical and psychological support provided throughout the pregnancy.