

**SENATE  
STATE OF MINNESOTA  
NINETY-FIRST SESSION**

**S.F. No. 1865**

(SENATE AUTHORS: JENSEN, Eaton, Klein and Newton)

DATE	D-PG	OFFICIAL STATUS
02/28/2019	582	Introduction and first reading Referred to Judiciary and Public Safety Finance and Policy
03/07/2019	715	Author added Newton See SF855

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 2018, section 626.5561, subdivision 1.

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

1.5 Section 1. Minnesota Statutes 2018, section 626.5561, 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 section 626.556, subdivision 3, shall immediately report to the

1.8 local welfare agency if the person knows or has reason to believe that a woman is pregnant

1.9 and has used a controlled substance for a nonmedical purpose during the pregnancy,

1.10 including, but not limited to, tetrahydrocannabinol, or has consumed alcoholic beverages

1.11 during the pregnancy 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 section 626.556, subdivision 3, is exempt from reporting under paragraph (a) a

1.14 ~~woman's use or consumption of tetrahydrocannabinol or alcoholic beverages during~~

1.15 ~~pregnancy~~ if the professional is providing the woman with prenatal care or other health care

1.16 services.

1.17 (c) Any person may make a voluntary report if the person knows or has reason to believe

1.18 that a woman is pregnant and has used a controlled substance for a nonmedical purpose

1.19 during the pregnancy, including, but not limited to, tetrahydrocannabinol, or has consumed

1.20 alcoholic beverages during the pregnancy in any way that is habitual or excessive.

1.21 (d) An oral report shall be made immediately by telephone or otherwise. An oral report

1.22 made by a person required to report shall be followed within 72 hours, exclusive of weekends

2.1 and holidays, by a report in writing to the local welfare agency. Any report shall be of  
2.2 sufficient content to identify the pregnant woman, the nature and extent of the use, if known,  
2.3 and the name and address of the reporter. The local welfare agency shall accept a report  
2.4 made under paragraph (c) notwithstanding refusal by a voluntary reporter to provide the  
2.5 reporter's name or address as long as the report is otherwise sufficient.

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