

1 HB428
2 175820-1
3 By Representative Weaver
4 RFD: Health
5 First Read: 17-MAR-16

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8 SYNOPSIS: This bill would create a new provision of
9 law that provides that no one would violate the
10 Alabama Child Abuse Act, including the chemical
11 endangerment of a child laws, if the responsible
12 person was the mother of the unborn child, and she
13 was, or there is a good faith belief that she was,
14 taking the controlled substance pursuant to a
15 lawful prescription or taking that non-prescription
16 FDA approved medication or substance as directed or
17 recommended by a physician or health care provider
18 acting within the authorized scope of his or her
19 license.

20 The bill provides that one shall be required
21 to report under Chapter 14, Title 26, Code of
22 Alabama 1975, the exposing of an unborn child to a
23 controlled substance if the responsible person was
24 the mother of the unborn child, and she was, or
25 there is a good faith belief that she was, taking
26 that controlled substance pursuant to a lawful
27 prescription or taking that non-prescription FDA

1 approved medication or substance as directed or
2 recommended by a physician or health care provider
3 acting within the authorized scope of his or her
4 license.

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6 A BILL
7 TO BE ENTITLED
8 AN ACT

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10 To add Section 26-15-3.3 to the Code of Alabama
11 1975; to provide that no one would violate the Alabama Child
12 Abuse Act, including the chemical endangerment of a child
13 laws, if the responsible person was the mother of the unborn
14 child, and she was, or there is a good faith belief that she
15 was, taking the controlled substance pursuant to a lawful
16 prescription; to provide that no one shall be required to
17 report under Chapter 14, Title 26, Code of Alabama 1975, the
18 exposing of an unborn child to a controlled substance if the
19 responsible person was the mother of the unborn child, and she
20 was, or there is a good faith belief that she was, taking that
21 controlled substance pursuant to a lawful prescription.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. Section 26-15-3.3 is added to the Code of
24 Alabama 1975, to read as follows:

25 §26-15-3.3.

26 (a) No one shall violate Section 26-15-3.2, and no
27 one shall be required to report under Chapter 14 of this

1 title, the exposing of an unborn child to any of the
2 following:

3 (1) A controlled substance if the responsible person
4 was the mother of the unborn child, and she was, or there is a
5 good faith belief that she was, taking that controlled
6 substance pursuant to a lawful prescription.

7 (2) A non-prescription FDA approved medication or
8 substance if the responsible person was the mother of the
9 unborn child, and she was, or there is a good faith belief
10 that she was, taking that medication or substance as directed
11 or recommended by a physician or a health care provider acting
12 within the authorized scope of his or her license.

13 (b) No one shall be criminally liable under any
14 Alabama law for the assistance or conduct of exposing the
15 unborn child to a medication or substance if his or her
16 assistance or conduct is allowed or accepted under subsection
17 (a) in this section.

18 Section 2. This act shall become effective
19 immediately following its passage and approval by the
20 Governor, or its otherwise becoming law.