



SENATE BILL No. 1302

November 10, 1994, Introduced by Senator WELBORN and referred to the Committee on Family Law, Mental Health, and Corrections.

A bill to amend section 7105 of Act No. 368 of the Public Acts of 1978, entitled as amended

"Public health code,"

as amended by Act No. 60 of the Public Acts of 1988, being section 333.7105 of the Michigan Compiled Laws; and to add sections 9161 and 16275.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 7105 of Act No. 368 of the Public Acts
2 of 1978, as amended by Act No. 60 of the Public Acts of 1988,
3 being section 333.7105 of the Michigan Compiled Laws, is amended
4 and sections 9161 and 16275 are added to read as follows:

5 Sec. 7105. (1) "Deliver" or "delivery" means the actual,
6 constructive, or attempted transfer from 1 person to another of a
7 controlled substance, whether or not there is an agency
8 relationship. DELIVER OR DELIVERY DOES NOT INCLUDE THE

1 POSTPARTUM TRANSFER OF A CONTROLLED SUBSTANCE BY A MOTHER TO HER
2 CHILD THROUGH THE UMBILICAL CORD.

3 (2) "Dispense" means to deliver or issue a controlled sub-
4 stance to an ultimate user or research subject by or pursuant to
5 the lawful order of a practitioner, including the prescribing,
6 administering, or compounding necessary to prepare the substance
7 for the delivery or issuance.

8 (3) "Dispenser" means a practitioner who dispenses.

9 (4) "Distribute" means to deliver other than by administer-
10 ing or dispensing a controlled substance.

11 (5) "Distributor" means a person who distributes.

12 (6) "Drug" means a substance recognized as a drug in the
13 official United States pharmacopoeia, official homeopathic phar-
14 macopoeia of the United States, or official national formulary,
15 or any supplement to any of them; a substance intended for use in
16 the diagnosis, cure, mitigation, treatment, or prevention of dis-
17 ease in human beings or animals; a substance other than food
18 intended to affect the structure or any function of the body of
19 human beings or animals; or, a substance intended for use as a
20 component of any article specified in this subsection. It does
21 not include a device or its components, parts, or accessories.

22 (7) "Human consumption" means application, injection, inha-
23 lation, or ingestion by a human being.

24 SEC. 9161. (1) THE DEPARTMENT SHALL ESTABLISH AND MAINTAIN
25 A PROGRAM OF INFANT SUPPORT SERVICES TO BE KNOWN AS THE SENTINEL
26 NETWORK SYSTEM. THE SENTINEL NETWORK SYSTEM SHALL PROVIDE

1 PREVENTIVE COUNSELING AND OTHER SUPPORT SERVICES TO PREVENT
2 NEONATAL ADDICTION AND FETAL ALCOHOL SYNDROME.

3 (2) A HEALTH CARE PROVIDER EMPLOYED BY OR UNDER CONTRACT TO
4 THE DEPARTMENT SHALL MAKE A HOME VISIT AND ATTEMPT TO PROVIDE
5 SUPPORT SERVICES WITHIN 14 DAYS AFTER THE DEPARTMENT RECEIVES A
6 REPORT FROM THE DEPARTMENT OF SOCIAL SERVICES, A PHYSICIAN, OR
7 ANY OTHER PERSON THAT AN INFANT IN THE HOME IS SUSPECTED OF
8 HAVING FETAL ALCOHOL SYNDROME OR DRUG DEPENDENCY. IF THE HEALTH
9 CARE PROVIDER IS UNABLE TO MAKE PERSONAL CONTACT DURING THE HOME
10 VISIT OR DETERMINES DURING THE HOME VISIT THAT THERE IS REASON-
11 ABLE CAUSE TO SUSPECT CHILD ABUSE OR NEGLECT, THE DEPARTMENT
12 IMMEDIATELY SHALL MAKE A REPORT TO THE DEPARTMENT OF SOCIAL SERV-
13 ICES UNDER SECTION 3 OF THE CHILD PROTECTION LAW, ACT NO. 238 OF
14 THE PUBLIC ACTS OF 1975, BEING SECTION 722.623 OF THE MICHIGAN
15 COMPILED LAWS.

16 SEC. 16275. (1) IF A PHYSICIAN OR OTHER HEALTH PROFESSIONAL
17 IS PROVIDING HEALTH CARE OR MEDICAL CARE TO A PREGNANT WOMAN WHO
18 EXHIBITS OBSTETRICAL COMPLICATIONS MEDICALLY INDICATIVE OF THE
19 WOMAN'S ENGAGEMENT IN SUBSTANCE ABUSE, OR IF THE PHYSICIAN OR
20 OTHER HEALTH PROFESSIONAL OTHERWISE HAS REASONABLE CAUSE TO
21 BELIEVE THAT A PREGNANT WOMAN FOR WHOM HE OR SHE IS PROVIDING
22 HEALTH CARE OR MEDICAL CARE IS ENGAGING IN SUBSTANCE ABUSE, THE
23 PHYSICIAN OR OTHER HEALTH PROFESSIONAL SHALL IMMEDIATELY REPORT
24 TO THE DEPARTMENT, ON A FORM PROVIDED BY THE DEPARTMENT, ALL OF
25 THE FOLLOWING INFORMATION:

26 (A) THE NAME, ADDRESS, AND SIGNATURE OF THE PHYSICIAN OR
27 OTHER HEALTH PROFESSIONAL SUBMITTING THE REPORT.

1 (B) THE NAME AND, IF AVAILABLE, ADDRESS AND TELEPHONE NUMBER
2 OF THE PATIENT.

3 (C) THE REASON FOR THE REPORT AND ANY OTHER MEDICAL INFORMA-
4 TION CONSIDERED NECESSARY BY THE PHYSICIAN OR OTHER HEALTH PRO-
5 FESSIONAL OR BY THE DEPARTMENT AS INDICATED ON THE FORM.

6 (2) AS SOON AS POSSIBLE AFTER RECEIVING A REPORT UNDER
7 SUBSECTION (1), THE DEPARTMENT SHALL ATTEMPT TO CONTACT THE
8 PATIENT AND TO PROVIDE OR REFER THE PATIENT TO 1 OR MORE OF THE
9 FOLLOWING SERVICES:

10 (A) DAY SUBSTANCE ABUSE TREATMENT.

11 (B) SUBSTANCE ABUSE TREATMENT FOR THE INFANT.

12 (C) SUBSTANCE ABUSE COUNSELING AND PREVENTION SERVICES.

13 (D) APPROPRIATE PRENATAL CARE.

14 (E) APPROPRIATE CHILD CARE OR MEDICAL SERVICES, OR BOTH.

15 (F) ANY OTHER SERVICES CONSIDERED BY THE DEPARTMENT TO PRO-
16 MOTE THE HEALTH OF THE PATIENT AND HER FETUS OR INFANT AND TO
17 REDUCE OR ELIMINATE SUBSTANCE ABUSE BY THE PATIENT.

18 (3) A PHYSICIAN WHO IN GOOD FAITH COMPLIES WITH THIS SECTION
19 IS NOT IN VIOLATION OF SECTION 2157 OF THE REVISED JUDICATURE ACT
20 OF 1961, ACT NO. 236 OF THE PUBLIC ACTS OF 1961, BEING SECTION
21 600.2157 OF THE MICHIGAN COMPILED LAWS. A PHYSICIAN OR OTHER
22 HEALTH PROFESSIONAL WHO IN GOOD FAITH COMPLIES WITH THIS SECTION
23 IS NOT SUBJECT TO CIVIL OR CRIMINAL LIABILITY OR ADMINISTRATIVE
24 SANCTIONS ARISING DIRECTLY FROM THE COMPLIANCE.

25 (4) AS USED IN THIS SECTION, "SUBSTANCE ABUSE" MEANS THAT
26 TERM AS DEFINED IN SECTION 6107.