

1 SENATE BILL 451

2 **50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

3 INTRODUCED BY

4 Linda M. Lopez

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10 AN ACT

11 RELATING TO DRUG TESTING; REQUIRING HEALTH PROVIDERS TO SCREEN  
12 FOR SUBSTANCE ABUSE AND REFER CERTAIN PREGNANT AND POSTPARTUM  
13 WOMEN TO BEHAVIORAL HEALTH TREATMENT.

14  
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 SECTION 1. UNIVERSAL SCREENING OF PREGNANT OR POSTPARTUM  
17 WOMEN.--

18 A. A health care provider shall screen pregnant or  
19 postpartum women for substance abuse in order to increase the  
20 likelihood of identifying substance abusers and to allow for  
21 the earliest possible intervention and referral to specialized  
22 treatment.

23 B. Structured screening shall be built into the  
24 care of every pregnant or postpartum woman, including screening  
25 for alcohol, illicit drugs, prescription drugs, tobacco and

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1 other substances and risky behaviors.

2 C. Health care providers shall be trained in when  
3 and how to screen, in how to assist a pregnant or postpartum  
4 woman who admits use and in issues associated with prenatal and  
5 postpartum care of substance abusing women.

6 D. Screening shall be conducted by interview, self-  
7 report and clinical observation.

8 SECTION 2. DRUG TESTING ON PREGNANT OR POSTPARTUM WOMEN--  
9 REQUIRING REFERRAL TO SPECIALIZED TREATMENT.--

10 A. Drug testing shall be based on specific criteria  
11 and medical indicators. Discriminatory or biased testing is  
12 prohibited, except those testings performed pursuant to a court  
13 order or search warrant.

14 B. Women shall be informed about the planned drug  
15 testing, the nature and purpose of the testing and how results  
16 will guide management, including possible benefits and  
17 consequences of the testing.

18 C. If a pregnant or postpartum woman refuses  
19 testing, it shall not be performed, unless otherwise provided  
20 by law.

21 D. All positive test results of drug testing on a  
22 pregnant or postpartum woman, except those performed pursuant  
23 to a court order or search warrant, shall remain confidential  
24 pursuant to Section 14-6-1 NMSA 1978.

25 E. A pregnant or postpartum woman with a positive

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1 drug test shall be advised of the benefits of specialized  
2 substance abuse treatment and, with her consent, referred for  
3 substance abuse treatment services, except in the case of a  
4 drug testing performed pursuant to a court order or search  
5 warrant.

6 F. For purposes of this section:

7 (1) "drug testing" means analysis of a woman's  
8 blood, hair or urine to screen for an illegal substance; and

9 (2) "health care provider" means a person  
10 licensed, certified or otherwise authorized or permitted by law  
11 to provide health care in the ordinary course of business or  
12 practice of a profession.