

1 SENATE BILL 548

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

3 INTRODUCED BY

4 Timothy Z. Jennings

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10 AN ACT

11 RELATING TO HEALTH; PROVIDING PROCEDURES TO INITIATE THE  
12 PROVISION OF CONTRACEPTIVE MEDICATION TO WOMEN WHO GIVE BIRTH  
13 TO A DRUG- OR ALCOHOL-ADDICTED BABY FOR A SECOND TIME.

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

16 SECTION 1. BIRTH OF DRUG- AND ALCOHOL-ADDICTED BABIES--  
17 PROCEDURES FOR PROVISION OF CONTRACEPTIVE MEDICATION--REMOVAL  
18 OF COURT ORDER--COSTS.--

19 A. The department of health shall design and  
20 implement procedures for the purpose of identifying women who  
21 give birth to drug- or alcohol-addicted babies.

22 B. When a woman gives birth to a drug- or alcohol-  
23 addicted baby for a second time, the department of health shall  
24 petition the district court for the judicial district in which  
25 the woman gave birth for an order to initiate the provision of

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1 contraceptive medication to the woman as prescribed by a  
2 physician for the woman. The department shall provide the  
3 woman with notice of the time and place of the hearing to  
4 determine whether to initiate the provision of contraceptive  
5 medication for her. During the hearing, the district court may  
6 take testimony from the woman, the other parent of the drug- or  
7 alcohol-addicted baby, a representative of the department and  
8 any other individuals deemed necessary by the court. At the  
9 conclusion of the hearing, the district court shall decide the  
10 issue of whether to initiate the provision of contraceptive  
11 medication for the woman and issue an appropriate order based  
12 upon the court's decision.

13 C. The woman required to initiate contraceptive  
14 medication may petition the district court for removal of the  
15 court order; provided that the woman has remained drug- and  
16 alcohol-free for a period of no less than one year.

17 D. The cost of providing the contraceptive  
18 medication ordered pursuant to the provisions of this section  
19 shall be paid for by the department of health.