



# *ENACTMENT NEWS*

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## **Senate Bill 319** **Opiate Mid-Biennium Review; HB 325** Effective April 2017

On January 4, 2017, the Governor signed SB 319 into law. SB 319, termed the Opiate Mid-Biennium Review, contains mostly changes to Pharmacy Board regulations. Relevant to courts, the bill permits certain entities, including courts and probation departments, to procure naloxone for use in emergency overdose situations. (R.C. 4729.514(A)). The bill also provides limited civil, criminal, and professional immunity to employees, volunteers, or contractors of these entities when administering naloxone (R.C. 3707.562(E) and 4731.943(E)), per a written protocol provided by a physician. The bill authorizes community addiction services providers to utilize time-limited recovery supports as part of medication-assisted treatment for certain offenders within certified drug court programs. (R.C. 331.90(E)).

Prior to enactment, SB 319 was amended to contain HB 325, regarding treatment for pregnant women on controlled substances. The amended bill enacts R.C. 2151.26 to preclude a public children services agency from filing a complaint alleging a newborn is abused, neglected, or dependent if the sole basis of the complaint is that the mother used a controlled substance while pregnant, as long as the mother does all of the following: (1) enrolls in drug treatment before the end of her 20<sup>th</sup> week of pregnancy, (2) completes a treatment program or is in the process of completing a treatment program, and (3) maintains her regularly scheduled appointments and prenatal care for the duration of the pregnancy.

If the mother enrolled in treatment after the 20<sup>th</sup> week of pregnancy, the agency may file a complaint based solely on the mother's use of controlled substances while pregnant, but the court has discretion to (1) consider the complaint, (2) hold the complaint in abeyance if the mother is in the process of completing a treatment program and maintaining her appointments and prenatal care, or (3) dismiss the complaint if the treatment program was completed and the mother maintained her appointments and prenatal care.

The bill does not prevent public children services agency from filing a complaint if the agency determines the mother or any other adult is unable to provide adequate parental care for the newborn.

Evidence of controlled substance use from a test or screening to determine pregnancy or provide prenatal care is not admissible in a criminal proceeding against the woman screened (R.C. 2945.65), but other evidence of drug use can still result in a criminal prosecution.