

I am Travis Heggem from Laurel, Montana. My son's name is Dane Jordan Heggem. He was killed by an overdose of diphenhydramine, or Benadryl, on January 31, 2003, a week after his first birthday. A worker at his daycare gave him the drug, not because he was in need of any of the medication's therapeutic effects, but because they wanted him to nap at a specific time.

Dane's story is not unique. Many other children have been drugged and killed nationwide from North Carolina to Alabama to Florida and Ohio. Other cases of children's deaths from an overdose by an over-the-counter drug are still under investigation. This bill needs to be passed into law for several reasons:

- 1) There is no perfect system to pick a competent daycare. Everyone whose child was killed at a daycare had trusted that that daycare would take care of their child in an appropriate manner, but when you leave your child and walk out the door of the daycare, trust is not enough to stop reckless behavior. So who or what can stop this behavior? The parents cannot stop the drugging of their children because they are unaware of it. The child cannot stop it because they are too young to know that harm is being done to them. The state daycare investigators cannot stop it because there are too few of them in comparison to the number of licensed daycare. The one hope of deterring this behavior then is the threat of going to jail for recklessly drugging children. This bill, when passed into law, will provide that hope.
- 2) In my research, I have encountered no other law in the state of Montana dealing with the abuse of over-the-counter drugs. Our laws only deal with

illegal or prescription drugs referred to as “dangerous drugs.” As I have shown above, over-the-counter drugs have proven to be very dangerous nationwide. We need this law to begin to deal with the abuse of them.

- 3) I have been told by both prosecutors and investigators that a law dealing with the specific crime will make their job much easier to do. Generic catchall laws like negligent homicide give the criminals more latitude than a law that specifically states what actions are punishable.
- 4) This bill also deals with a parent’s right to know what is being done to their child while in a daycare. Daycares are not suppose to give medications without expressed written consent from the parents, but when they choose to ignore this state regulation and the parent’s wishes, some form of punishment must be levied against them. This bill provides for that punishment.
- 5) Passing this bill into law reinforces the state’s commitment to protecting children. It shows that we believe that drugging children is a serious act deserving of serious punishment.
- 6) The passage of this bill into law will bring public awareness to the problem. Parents have the right to know that their children may be at risk of being overdosed on a sedative in a daycare.
- 7) This bill is not an attack on daycares that follow the regulations of the state. It is also not an attack on the appropriate use of medications in daycare. Law-abiding daycares should have no fear of this law; only those people who recklessly disregard children’s safety need fear this bill’s passage

Several states have enacted legislation similar to what is being proposed here today. They have seen the need for a law that punishes daycare workers for drugging children left in their care. The parents and children of this state need to be afforded the same protections from the rash actions of daycare workers. This bill needs to be made a law.