

HOUSE BILL NO. 309

INTRODUCED BY K. DUDIK

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A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A TEMPORARY GRANT PROGRAM TO PROVIDE PREGNANT WOMEN SEEKING ASSISTANCE WITH A SUBSTANCE USE DISORDER WITH THE OPPORTUNITY TO ENTER INTO VOLUNTARY PRENATAL PROTECTIVE SERVICES AGREEMENTS TO OBTAIN TREATMENT AND AVOID PROSECUTION; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTION 50-32-609, MCA; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE."

WHEREAS, the number of Montana children in foster care is increasing sharply; and

WHEREAS, over half of Montana children in foster care are removed from the home for reasons related to parental substance abuse; and

WHEREAS, the percentage of infants having experienced prenatal drug exposure is increasing; and

WHEREAS, pregnancy provides a unique intervention opportunity for treatment of substance use disorders and prevention of family separation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**NEW SECTION. Section 1. Purpose.** The purpose of [sections 1 through 5] is to promote the development of voluntary prenatal protective services agreements to provide a pregnant woman who is dealing with a substance use disorder with evaluation, treatment, and support services without fear of being criminalized or separated from her child or children.

**NEW SECTION. Section 2. Definitions.** As used in [sections 1 through 5], the following definitions apply:

- (1) "Department" means the department of public health and human services provided for in 2-15-2201.
- (2) "Local public health unit" means a county health department or tribal health department.

**NEW SECTION. Section 3. Rulemaking authority.** The department shall adopt rules necessary to administer [sections 1 through 5]. The rules may include but are not limited to:



- 1 (1) eligibility requirements for local public health units applying for grants;  
2 (2) criteria for determining the amount of funding granted; and  
3 (3) reporting procedures for local public health units receiving grants.

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5 **NEW SECTION. Section 4. Appropriation -- grants -- reporting requirements.** (1) Subject to  
6 appropriation by the legislature, the department shall allocate the money received to a division of the department  
7 responsible for prevention and treatment of addictive and mental disorders. The money must be used to provide  
8 grants to local public health units that submit a proposal in accordance with [section 5].

9 (2) The appropriation in subsection (1) is intended to be a one-time-only appropriation for the biennium  
10 beginning July 1, 2019.

11 (3) The department shall issue a report to the 2021 joint appropriations subcommittee on health and  
12 human services by the end of the biennium beginning July 1, 2019, regarding opportunities for federal and private  
13 funding partnerships in the area of prevention and treatment of substance use disorders during pregnancy.

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15 **NEW SECTION. Section 5. Grant application process -- voluntary prenatal protective service**  
16 **agreements.** (1) In order to receive a grant under [section 4], a local public health unit shall submit to the  
17 department a proposal for a program to enter into voluntary prenatal protective services agreements with  
18 pregnant women experiencing a substance use disorder.

19 (2) A woman entering into a voluntary prenatal protective services agreement is entitled to:

20 (a) facilitation of a family group decisionmaking meeting and implementation of a safety plan developed  
21 during the meeting;

22 (b) evaluation of the pregnant woman by a licensed addiction counselor, an advanced practice registered  
23 nurse with training in chemical dependency, or another appropriate professional;

24 (c) development of a treatment plan, including referrals to other service providers; and

25 (d) in-home services aimed at supporting the woman throughout her pregnancy and treatment for her  
26 substance use disorder.

27 (3) Local public health units may elect whether to provide the services listed in subsection (2) in-house,  
28 to contract with outside entities, or to provide a combination of in-house and contract services.

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30 **Section 6.** Section 50-32-609, MCA, is amended to read:

