

1 HB408
2 164327-2
3 By Representatives Butler, Hanes, Ledbetter, Whorton (R),
4 Pettus, Rich, Johnson (K), McCutcheon, Rowe, Fridy and Ball
5 RFD: Health
6 First Read: 02-APR-15

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8 SYNOPSIS: Under existing law, certain persons,
9 including health care professionals, who are
10 responsible for rendering aid or medical assistance
11 to a child must immediately report orally to law
12 enforcement or the Department of Human Resources
13 all known or suspected cases of child abuse or
14 neglect.

15 This bill would specify that if a doctor or
16 other health care professional suspects that a
17 child is being or has been chemically endangered by
18 being unlawfully exposed to a controlled substance,
19 the doctor or health care professional must report
20 his or her suspicion orally to law enforcement
21 within two hours even if results of blood, urine,
22 or other medical tests are not available to the
23 doctor or health care professional within that time
24 period.

25 This bill would also specify that if the
26 results of medical testing later confirm the
27 suspicion of chemical endangerment, the doctor or

1 health care professional shall make a written
2 report to the appropriate law enforcement agency.

3
4 A BILL
5 TO BE ENTITLED
6 AN ACT

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8 To amend Section 26-14-3, Code of Alabama 1975; to
9 provide for reporting by health care professionals of
10 suspected cases of unlawful chemical endangerment of a child
11 by exposure to an environment where controlled substances are
12 produced or distributed.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. Section 26-14-3, Code of Alabama 1975, is
15 amended to read as follows:

16 "§26-14-3.

17 "(a) (1) All hospitals, clinics, sanitariums,
18 doctors, physicians, surgeons, medical examiners, coroners,
19 dentists, osteopaths, optometrists, chiropractors,
20 podiatrists, physical therapists, nurses, public and private
21 K-12 employees, school teachers and officials, peace officers,
22 law enforcement officials, pharmacists, social workers, day
23 care workers or employees, mental health professionals,
24 employees of public and private institutions of postsecondary
25 and higher education, members of the clergy as defined in Rule
26 505 of the Alabama Rules of Evidence, or any other person
27 called upon to render aid or medical assistance to any child,

1 when the child is known or suspected to be a victim of child
2 abuse or neglect, shall be required to report orally, either
3 by telephone or direct communication immediately, followed by
4 a written report, to a duly constituted authority.

5 "(2) Notwithstanding subdivision (1), if a doctor or
6 other health care professional suspects, through patient
7 admission or initial testing or screening, that a child is
8 chemically endangered by being unlawfully exposed to a
9 controlled substance in violation of Section 26-15-3.2, the
10 doctor or other health care professional shall orally notify
11 law enforcement within two hours of the suspicion. The doctor
12 or other health care professional shall notify law enforcement
13 in writing upon subsequent confirmation of chemical
14 endangerment based on medical test results.

15 "(b) When an initial report is made to a law
16 enforcement official, the official subsequently shall inform
17 the Department of Human Resources of the report so that the
18 department can carry out its responsibility to provide
19 protective services when deemed appropriate to the respective
20 child or children.

21 "(c) When the Department of Human Resources receives
22 initial reports of suspected abuse or neglect involving
23 discipline or corporal punishment committed in a public or
24 private school or suspected abuse or neglect in a
25 state-operated child residential facility, the Department of
26 Human Resources shall transmit a copy of school reports to the
27 law enforcement agency and residential facility reports to the

1 law enforcement agency and the operating state agency which
2 shall conduct the investigation. When the investigation is
3 completed, a written report of the completed investigation
4 shall contain the information required by the state Department
5 of Human Resources which shall be submitted by the law
6 enforcement agency or the state agency to the county
7 department of human resources for entry into the state's
8 central registry.

9 "(d) Nothing in this chapter shall preclude
10 interagency agreements between departments of human resources,
11 law enforcement, and other state agencies on procedures for
12 investigating reports of suspected child abuse and neglect to
13 provide for departments of human resources to assist law
14 enforcement and other state agencies in these investigations.

15 "(e) Any provision of this section to the contrary
16 notwithstanding, if any agency or authority investigates any
17 report pursuant to this section and the report does not result
18 in a conviction, the agency or authority shall expunge any
19 record of the information or report and any data developed
20 from the record.

21 "(f) Subsection (a) to the contrary notwithstanding,
22 a member of the clergy shall not be required to report
23 information gained solely in a confidential communication
24 privileged pursuant to Rule 505 of the Alabama Rules of
25 Evidence which communication shall continue to be privileged
26 as provided by law.

1 "(g) Commencing on August 1, 2013, a public or
2 private employer who discharges, suspends, disciplines, or
3 penalizes an employee solely for reporting suspected child
4 abuse or neglect pursuant to this section shall be guilty of a
5 Class C misdemeanor."

6 Section 2. This act shall become effective on the
7 first day of the third month following its passage and
8 approval by the Governor, or its otherwise becoming law.