

# SENATE BILL NO. 35

February 04, 2025, Introduced by Senators SANTANA and GEISS and referred to Committee on Housing and Human Services.

A bill to amend 1975 PA 238, entitled  
"Child protection law,"  
by amending section 3a (MCL 722.623a), as added by 1996 PA 581.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 3a. ~~(1) In addition to the reporting requirement in~~  
2 ~~section 3,~~ **If a newborn infant is shown to be affected by any**  
3 **amount of alcohol, controlled substance, or metabolite of a**  
4 **controlled substance in the newborn infant's body,** a person who is  
5 required to report suspected child abuse or neglect under section  
6 3(1) ~~and who knows, or from the child's symptoms has reasonable~~

1 ~~cause to suspect, that a newborn infant has any amount of alcohol,~~  
2 ~~a controlled substance, or a metabolite of a controlled substance~~  
3 ~~in his or her body shall report to~~ **notify** the department in the  
4 ~~same manner as required under section 3.~~ **a manner prescribed by the**  
5 **department that the newborn infant is affected by any amount of**  
6 **alcohol, controlled substance, or metabolite of a controlled**  
7 **substance. The department shall develop a plan of safe care to**  
8 **address the needs of the newborn infant and the newborn infant's**  
9 **parents and ensure that the plan of safe care provides services**  
10 **during and after pregnancy as required under section**  
11 **5106a(b) (2) (B) (iii) of the child abuse protection and treatment act,**  
12 **42 USC 5106a(b) (2) (B) (iii). If appropriate, as determined by the**  
13 **department, the department shall develop the plan of safe care in**  
14 **coordination with the hospital where the newborn infant was born.**

15 (2) A notification under subsection (1) must be made to the  
16 department even if the alcohol, controlled substance, or metabolite  
17 of a controlled substance in the newborn infant's body is the  
18 result of a medical treatment administered to the newborn infant's  
19 birth parent.

20 (3) A person who is required to report suspected child abuse  
21 or neglect under section 3(1) shall make a report of suspected  
22 child abuse or neglect to the department in the manner required  
23 under section 3 if both of the following are met:

24 (a) A newborn infant is shown to be affected by any amount of  
25 alcohol, controlled substance, or metabolite of a controlled  
26 substance in the newborn infant's body.

27 (b) The newborn infant's health or welfare is threatened by  
28 the newborn infant's parent's substance abuse.

29 (4) A person who is required to report suspected child abuse

1 or neglect under section 3(1) shall not make a report of suspected  
2 child abuse or neglect to the department if the report is based on  
3 only 1 of the following:

4 (a) A finding of any amount of alcohol, controlled substance,  
5 or metabolite of a controlled substance in the newborn infant's  
6 body.

7 (b) The person's reasonable suspicion that there is any amount  
8 of alcohol, controlled substance, or metabolite of a controlled  
9 substance in the newborn infant's body.

10 (5) A report of suspected child abuse or neglect is not  
11 required under this section if the person knows that the alcohol,  
12 controlled substance, or metabolite, or the child's symptoms, are  
13 the result of medical treatment administered to the newborn infant  
14 or ~~his or her mother.~~ **the birth parent.**