

**CHILD PROTECTION AMENDMENTS**

2012 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Christine F. Watkins**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies Title 62A, Chapter 4a, Child and Family Services, and Title 78A, Chapter 6, Juvenile Court Act of 1996, by prohibiting the Division of Child and Family Services and juvenile courts from taking action against a parent or guardian on the sole basis of a positive drug test when the drug test results are due to the proper use of prescribed medication.

**Highlighted Provisions:**

This bill:

▶ prohibits the division and juvenile courts from taking action against a parent or guardian solely on the basis of a positive drug test result if the result is due to the parent's or guardian's proper use of prescribed medication; ~~H→~~ **and** ~~←H~~

▶ requires the division and juvenile courts to consider evidence that a failed drug test is due to a parent's or guardian's proper use of prescribed medication ~~H→~~ [;] . **[and**

~~————▶ states that an employee of the Division of Child and Family Services who violates these provisions is subject to discipline.] ←H~~

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**



28 ENACTS:

29 **62A-4a-202.9**, Utah Code Annotated 1953

30 **78A-6-106.5**, Utah Code Annotated 1953

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32 *Be it enacted by the Legislature of the state of Utah:*

33 Section 1. Section **62A-4a-202.9** is enacted to read:

34 **62A-4a-202.9. Proper use of drug test results -- Penalties for division employees.**

35 (1) The division may not take action under this chapter against a parent or guardian  
36 solely on the basis of a failed drug test result if:

37 (a) the parent or guardian is under a physician's care;

38 (b) the failed drug test is a result of the parent's or guardian's use of a prescribed  
39 substance in the manner directed by the prescriber; and

40 (c) the drug test results are attributable only to the parent's or guardian's use of the  
41 prescribed substance.

42 (2) The division shall consider evidence submitted by a parent or guardian, or the  
43 parent's or guardian's physician that indicates the failed drug test result is due to use of a  
44 prescribed substance.

45 ~~¶→ [(3) An employee of the division who violates these provisions is subject to discipline,~~  
46 ~~up to and including termination from employment.] ←¶~~

47 Section 2. Section **78A-6-106.5** is enacted to read:

48 **78A-6-106.5. Proper use of drug test results.**

49 (1) The court may not take action under this chapter against a parent or guardian solely  
50 on the basis of a failed drug test result if:

51 (a) the parent or guardian is under a physician's care;

52 (b) the failed drug test is a result of the parent's or guardian's use of a prescribed  
53 substance in the manner directed by the prescriber; and

54 (c) the drug test results are attributable only to the parent's or guardian's use of the  
55 prescribed substance.

56 (2) The court shall consider evidence submitted by a parent or guardian, or the parent's  
57 or guardian's physician that indicates the failed drug test result is due to use of a prescribed  
58 substance.