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SENATE BILL 712

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Timothy Z. Jennings

AN ACT

RELATING TO HEALTH; PROVIDING PROCEDURES FOR THE ADMINISTRATION OF DEPO-PROVERA CONTRACEPTIVE INJECTIONS TO WOMEN WHO GIVE BIRTH TO A DRUG-ADDICTED BABY FOR A SECOND TIME; PROVIDING PROCEDURES FOR STERILIZING WOMEN WHO GIVE BIRTH TO A DRUG-ADDICTED BABY SUBSEQUENT TO RECEIVING DEPO-PROVERA CONTRACEPTIVE INJECTIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. BIRTH OF DRUG-ADDICTED BABIES--PROCEDURES FOR THE ADMINISTRATION OF DEPO-PROVERA CONTRACEPTIVE INJECTIONS--PROCEDURES FOR STERILIZING WOMEN WHO GIVE BIRTH TO A DRUG-ADDICTED BABY SUBSEQUENT TO RECEIVING DEPO-PROVERA CONTRACEPTIVE INJECTIONS. --

A. The department of health shall design and implement procedures for the purpose of identifying women who

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1 give birth to drug-addicted babies.

2 B. When a woman gives birth to a drug-addicted
3 baby for a second time, the department of health shall
4 petition the district court for the judicial district in which
5 the woman gave birth for an order to initiate depo-provera
6 contraceptive injections for the woman. The department shall
7 provide the woman with notice of the time and place of the
8 hearing to determine whether to initiate depo-provera
9 contraceptive injections for her. During the hearing, the
10 district court may take testimony from the woman, the other
11 parent of the drug-addicted baby, a representative of the
12 department and any other individuals deemed necessary by the
13 court. At the conclusion of the hearing, the district court
14 shall decide the issue of whether to initiate depo-provera
15 contraceptive injections for the woman and issue an
16 appropriate order based upon the court's decision.

17 C. If, subsequent to the issuance of an order by
18 the district court to initiate depo-provera contraceptive
19 injections, a woman gives birth to a third drug-addicted baby,
20 the department of health shall petition the district court for
21 the judicial district in which the woman gave birth for an
22 order to sterilize the woman. The department shall provide
23 the woman with notice of the time and place of the hearing to
24 determine whether she should be sterilized. During the
25 hearing, the district court may take testimony from the woman,

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1 the other parent of the drug-addicted baby, a representative
2 of the department and any other individuals deemed necessary
3 by the court. At the conclusion of the hearing, the district
4 court shall decide the issue of whether to sterilize the woman
5 and issue an appropriate order based upon the court's
6 decision.

7 D. The cost of depo-provera contraceptive
8 injections and sterilization procedures ordered pursuant to
9 the provisions of this section shall be paid for by the
10 department of health.