

By: Meza

H.B. No. 811

A BILL TO BE ENTITLED

AN ACT

1
2 relating to reporting and investigating certain cases of child
3 abuse or neglect involving a pregnant person's use of a controlled
4 substance.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 261.101, Family Code, is amended by
7 adding Subsection (b-2) to read as follows:

8 (b-2) A professional providing prenatal, mental health, or
9 other medical care to a person who voluntarily discloses to the
10 professional that the person illegally used a controlled substance,
11 as defined by Chapter 481, Health and Safety Code, during pregnancy
12 is not required to make a report under this section if:

13 (1) the person provides proof that:

14 (A) the person is currently enrolled in or has
15 recently completed a substance abuse treatment program; or

16 (B) the person made reasonable efforts to enroll
17 in a substance abuse treatment program within five days after the
18 date the person made a disclosure described by this subsection; or

19 (2) the professional determines:

20 (A) there is no immediate risk of harm to the
21 child from the exposure to the controlled substance; and

22 (B) the person does not otherwise pose an
23 immediate risk of harm to the child.

24 SECTION 2. Section 261.301, Family Code, is amended by

1 amending Subsection (a) and adding Subsection (a-1) to read as
2 follows:

3 (a) Except as provided by Subsection (a-1), with [~~with~~]
4 assistance from the appropriate state or local law enforcement
5 agency as provided by this section, the department shall make a
6 prompt and thorough investigation of a report of child abuse or
7 neglect allegedly committed by a person responsible for a child's
8 care, custody, or welfare. The investigation shall be conducted
9 without regard to any pending suit affecting the parent-child
10 relationship.

11 (a-1) The department may not investigate a report of child
12 abuse or neglect allegedly committed by a person based on the
13 person's illegal use of a controlled substance, as defined by
14 Chapter 481, Health and Safety Code, during pregnancy if the person
15 enrolls in and successfully completes a substance abuse treatment
16 program under the supervision of the referring or treating
17 professional.

18 SECTION 3. This Act takes effect September 1, 2023.