

BILL ANALYSIS

H.B. 1321
By: Naishtat
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The 73rd Legislature created the Treatment Facilities Marketing Practices Act, Chapter 164, Health and Safety Code, to protect the public against fraud, deceit and misleading marketing practices by mental health and chemical dependency treatment providers. The Treatment Facilities Marketing Practices Act of 1993 prohibited licensed chemical dependency or mental health treatment facilities from contracting with a school district to provide treatment services in schools. However, facilities operated by the Texas Department of Mental Health and Mental Retardation, community MHMR centers, or family violence organizations were exempted.

HB 1321 would exempt treatment facilities funded by the Texas Commission on Alcohol and Drug Abuse (TCADA) from the Treatment Facilities Marketing Practices Act of 1993. By allowing services to be provided by TCADA funded facilities, there would be a greater opportunity to intervene on behalf of youth prior to them entering into the juvenile justice system. This would increase access to available resources without compromising the safeguards put in place in 1993.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

Section 1 : Adds Section 164.004(1)(B), to the Health and Safety Code, which exempts treatment facilities funded by the Texas Commission on Alcohol and Drug Abuse.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2003.