

## **BILL ANALYSIS**

C.S.H.B. 1113  
By: Turner  
Juvenile Justice & Family Issues  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Serious concerns have been raised as a result of recent reports regarding the types and amounts of psychotropic medications prescribed to children within the Texas foster care system. The fact that the Texas Department of Family and Protective Services exercised little oversight over prescribing these medications may be an indication that all other state agencies that care for children should be provided with stronger prohibitions against possible abuse.

Over 70,000 children in Texas are under the supervision of the Texas Juvenile Probation Commission and it is absolutely essential that the State of Texas ensure that all children within TJPC's custody be protected from any possible psychotropic abuse.

C.S.H.B.1113 places in statute the Texas Juvenile Probation Commission rule prohibiting certain types of research but does not prohibit survey research or retrospective studies. C.S.H.B.1113 also requires the Commission to report all research conducted on children within the juvenile probation system.

### **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**

This bill amends Subchapter C, Chapter 141 of the Human Resources Code by adding Section 141.0485 and Section 141.0486 which provides that the Commission may not permit medical, pharmaceutical, or cosmetic research on children within the juvenile probation system. However, this section does exempt survey research or retrospective studies that are based only on medical records, claims data or outcome data.

Additionally, this bill provides that the Commission shall keep records relating to children who participate in research programs showing the number of children participating, the type of research program, the name of the principal investigator, and the entity sponsoring the research. Moreover, the commission shall submit all information in the records to the governor, lieutenant governor, speaker of the house of representatives, and members of the legislature, on or before the 15th day after the last day of the appropriate reporting period. Finally, this report is considered public information.

### **EFFECTIVE DATE**

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

C.S.H.B.1113 modifies the original H.B.1113 by amending the type of research prohibited on children within the juvenile probation system to include cosmetic research, and allow survey research or retrospective studies that are based only on medical records, claims data or outcome data. Additionally, C.S.H.B.1113 requires the Commission to keep records of children who participate in research programs or studies and requires this information to be reported to the Governor, Lt. Governor, Speaker of the House of Representatives, and members of the Legislature. Finally, C.S.H.B.1113 clarifies that this information is to be considered public information.