

BILL ANALYSIS

C.S.H.B. 1396
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Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current law includes the possession and use of certain drugs among the conduct that constitutes an offense of abandoning or endangering a child. However, these provisions do not apply to an unborn child. Interested parties have expressed concern for the unborn children of mothers who abuse alcohol and certain illegal substances during their pregnancy, specifically noting the long-term health consequences that can be directly attributed to prenatal alcohol or drug abuse. C.S.H.B. 1396 seeks to provide for a study on certain alcohol and controlled substance statistics by the Department of Family and Protective Services and the Department of State Health Services.

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

C.S.H.B. 1396 adds temporary provisions, set to expire September 1, 2015, to require the Department of Family and Protective Services (DFPS) and the Department of State Health Services (DSHS), using existing resources, to conduct a study on alcohol and controlled substance statistics. The bill requires the study to determine whether either state agency currently compiles the following information: the number of children reported to the department who at birth tested positive for the presence of alcohol or a controlled substance and the controlled substances for which they tested positive; the number of such children who were removed from their homes and have been diagnosed as having a disability or chronic medical condition resulting from the presence of alcohol or controlled substances; and the number of parents who test positive for the presence of a controlled substance during a department investigation of a report of abuse or neglect of the parent's child.

C.S.H.B. 1396 requires the study, if neither agency compiles such information, to determine which agency can compile the specified information most effectively and at the lowest cost and to estimate the cost to that agency of compiling the information, preparing a report on the information, posting a copy of the report on the agency's Internet website, and electronically submitting to the legislature a copy of the report.

C.S.H.B. 1396 requires DFPS and DSHS, not later than November 1, 2014, to electronically submit a copy of the study to the governor, lieutenant governor, speaker of the house of representatives, and presiding officer of each standing legislative committee with jurisdiction over those departments.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1396 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
<p>SECTION 1. Section 261.004, Family Code, is amended by amending Subsections (a) and (c) and adding Subsection (b-1) to read as follows:</p> <p>(a) The department shall prepare and disseminate statistics by county relating to the department's activities under this subtitle and include the information specified in <u>Subsections [Subsection] (b) and (b-1)</u> in an annual report available to the public.</p> <p><u>(b-1) In addition to the information reported under Subsection (b), the department annually shall report the following information:</u></p> <p><u>(1) the number of children reported to the department who were born addicted to alcohol or a controlled substance;</u></p> <p><u>(2) the controlled substances to which the children described by Subdivision (1) were addicted;</u></p> <p><u>(3) the number of children born addicted to alcohol or a controlled substance who were removed from their homes and have been diagnosed as having a disability or chronic medical condition resulting from the addiction; and</u></p> <p><u>(4) the number of parents who test positive for the presence of a controlled substance during a department investigation of a report of abuse or neglect of the parent's child.</u></p> <p>(c) The department shall compile the information specified in <u>Subsections [Subsection] (b) and (b-1)</u> for the preceding year in a report to be submitted to the legislature and the general public not later than February 1 of each year. <u>The department must post the information specified in Subsection (b-1) on the department's Internet website.</u></p>	<p>No equivalent provision.</p>
<p>SECTION 2. Section 261.004, Family Code, as amended by this Act, applies to information collected by the Department of Family and Protective Services on and after</p>	<p>No equivalent provision.</p>

the effective date of this Act.

No equivalent provision.

SECTION 1. (a) The Department of Family and Protective Services and the Department of State Health Services, using existing resources, shall conduct a study on alcohol and controlled substance statistics. The study must:

(1) determine whether either state agency currently compiles information on:

(A) the number of children reported to the department who at birth tested positive for the presence of alcohol or a controlled substance;

(B) the controlled substances for which the children described by Paragraph (A) of this subdivision tested positive;

(C) the number of children described by Paragraph (A) of this subdivision who were removed from their homes and have been diagnosed as having a disability or chronic medical condition resulting from the presence of alcohol or controlled substances; and

(D) the number of parents who test positive for the presence of a controlled substance during a department investigation of a report of abuse or neglect of the parent's child; and

(2) if neither agency compiles the information described by Subdivision (1) of this subsection:

(A) determine which agency can compile the information described by Subdivision (1) of this subsection most effectively and at the lowest cost; and

(B) estimate the cost to that agency of compiling the information, preparing a report on the information, posting a copy of the report on the agency's Internet website, and electronically submitting to the legislature a copy of the report.

(b) Not later than November 1, 2014, the Department of Family and Protective Services and the Department of State Health Services shall electronically submit a copy of the study prepared under Subsection (a) of this section to the governor, lieutenant governor, speaker of the house of representatives, and presiding officer of each standing legislative committee with jurisdiction over those departments.

(c) This section expires September 1, 2015.

SECTION 3. This Act takes effect
September 1, 2013.

SECTION 2. Same as introduced version.