

By: Walle

H.B. No. 109

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the use of certain controlled substances by women who  
3 are pregnant or may become pregnant and the designation of neonatal  
4 abstinence syndrome from substance use as a reportable condition.

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

6 SECTION 1. Chapter 32, Health and Safety Code, is amended by  
7 adding Subchapter E to read as follows:

8 SUBCHAPTER E. SUBSTANCE USE SCREENING DURING PREGNANCY

9 Sec. 32.081. SUBSTANCE USE SCREENING OF PREGNANT WOMAN.

10 The commission shall make available to physicians and other persons  
11 capable of conducting a substance use screening of pregnant women  
12 information that includes:

13 (1) guidance regarding the process for verbally  
14 screening a pregnant woman for substance use using a validated  
15 screening tool; and

16 (2) a list of substance use treatment resources in  
17 each geographic region of this state.

18 SECTION 2. Section 81.041, Health and Safety Code, is  
19 amended by adding Subsection (e-1) to read as follows:

20 (e-1) Neonatal abstinence syndrome is a reportable health  
21 condition under this chapter for which the executive commissioner  
22 shall require reports for public health surveillance purposes. A  
23 person required to report a reportable disease under Section 81.042  
24 shall report a case of neonatal abstinence syndrome to the

1 department.

2 SECTION 3. Section 81.044, Health and Safety Code, is  
3 amended by adding Subsection (e) to read as follows:

4 (e) The executive commissioner shall require a report of a  
5 case of neonatal abstinence syndrome to omit personally identifying  
6 information about the mother or newborn and to contain:

7 (1) the newborn's ethnicity, national origin, and  
8 municipality and county of residence;

9 (2) the name of the newborn's attending physician;

10 (3) the maternal history of substance use;

11 (4) the drug or other substance that likely caused the  
12 syndrome; and

13 (5) other information the executive commissioner  
14 determines necessary.

15 SECTION 4. Chapter 161, Health and Safety Code, is amended  
16 by adding Subchapter S-1 to read as follows:

17 SUBCHAPTER S-1. OPIOID DRUG USE AMONG PREGNANT WOMEN

18 Sec. 161.481. REVIEW OF PRESCRIPTION HISTORY. A physician  
19 or other person authorized to attend a pregnant woman during  
20 gestation and authorized to access prescription information under  
21 Section 481.076(a)(5) may, during a pregnant patient's first visit  
22 with the physician or person:

23 (1) review the patient's prescription history by  
24 accessing the prescription information submitted to the Texas State  
25 Board of Pharmacy as authorized by Section 481.076(a)(5) to assess:

26 (A) the pregnant patient's exposure to  
27 prescription opioid drugs; and

1                   (B) the possibility of the patient delivering a  
2 newborn with neonatal abstinence syndrome; and

3                   (2) place a record of the assessment in the patient's  
4 medical record.

5           Sec. 161.482. EDUCATIONAL MATERIALS. (a) The department  
6 shall develop educational materials on the consequences of opioid  
7 drug use during pregnancy.

8           (b) The department shall make the educational materials  
9 available on the department's Internet website.

10           SECTION 5. As soon as practicable after the effective date  
11 of this Act, the executive commissioner of the Health and Human  
12 Services Commission shall adopt rules necessary to implement the  
13 changes in law made by this Act.

14           SECTION 6. (a) Not later than June 1, 2018, the Health and  
15 Human Services Commission shall make the information regarding  
16 verbally screening a pregnant woman for substance use and regarding  
17 substance use treatment resources available to physicians and other  
18 persons authorized by law to attend a pregnant woman, as required by  
19 Section 32.081, Health and Safety Code, as added by this Act.

20           (b) Sections 81.041(e-1) and 81.044(e), Health and Safety  
21 Code, as added by this Act, apply only to a case of neonatal  
22 abstinence syndrome diagnosed in a child born on or after December  
23 1, 2018.

24           (c) The Department of State Health Services shall develop  
25 and make available the educational materials under Section 161.482,  
26 Health and Safety Code, as added by this Act, not later than March  
27 1, 2018.

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1           SECTION 7. This Act takes effect on the 91st day after the  
2 last day of the legislative session.