

BILL ANALYSIS

H.B. 4055
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Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, there exists no "safe harbor" in Texas law for health care providers or mental health care providers treating a pregnant woman if the pregnant woman voluntarily admits to the use of a controlled substance during the pregnancy under the regular course of seeking medical treatment. H.B. 4055 seeks to add such a safe-harbor provision in order to protect medical professionals and pregnant women who seek treatment for drug abuse or addiction during pregnancy under certain conditions.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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

H.B. 4055 amends the Family Code to exempt a professional providing prenatal, mental health, or other medical care to a woman who voluntarily discloses to the professional that the woman illegally used a controlled substance during pregnancy from the duty to report abuse or neglect under the following conditions:

- if the woman enrolls in or has successfully completed a substance abuse treatment program; or
- if the professional determines there is no immediate risk of harm to the child from the exposure to the controlled substance and the woman does not otherwise pose an immediate risk of harm to the child.

The bill prohibits the Department of Family and Protective Services from investigating a report of child abuse or neglect allegedly committed by a woman based on the woman's illegal use of a controlled substance during pregnancy if the woman enrolls in and successfully completes a substance abuse treatment program under the supervision of the referring or treating professional.

EFFECTIVE DATE

September 1, 2021.