By:  Meza, A. Johnson of Harris, et al. H.B. No. 4055

A BILL TO BE ENTITLED

AN ACT

relating to reporting and investigating certain cases of child abuse or neglect involving a pregnant woman's use of a controlled substance.

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

SECTION 1.  Section 261.101, Family Code, is amended by adding Subsection (b-2) to read as follows:

(b-2)  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, as defined by Chapter 481, Health and Safety Code, during pregnancy is not required to make a report under this section if:

(1)  the woman provides proof that:

(A)  she is currently enrolled in or has recently completed a substance abuse treatment program; or

(B)  she made reasonable efforts to enroll in a substance abuse program within five days of the date she made a disclosure described by this subsection; or

(2)  the professional determines:

(A)  there is no immediate risk of harm to the child from the exposure to the controlled substance; and

(B)  the woman does not otherwise pose an immediate risk of harm to the child.

SECTION 2.  Section 261.301, Family Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a)  Except as provided by Subsection (a-1), with [~~With~~] assistance from the appropriate state or local law enforcement agency as provided by this section, the department shall make a prompt and thorough investigation of a report of child abuse or neglect allegedly committed by a person responsible for a child's care, custody, or welfare. The investigation shall be conducted without regard to any pending suit affecting the parent-child relationship.

(a-1)  The department may not investigate a report of child abuse or neglect allegedly committed by a woman based on the woman's illegal use of a controlled substance, as defined by Chapter 481, Health and Safety Code, during pregnancy if the woman enrolls in and successfully completes a substance abuse treatment program under the supervision of the referring or treating professional.

SECTION 3.  This Act takes effect September 1, 2021.