

By: Meza

H.B. No. 4055

A BILL TO BE ENTITLED

AN ACT

1
2 relating to reporting and investigating certain cases of child
3 abuse or neglect involving a pregnant woman's use of a controlled
4 substance.

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

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

8 (b-2) A professional providing prenatal, mental health, or
9 other medical care to a woman who voluntarily discloses to the
10 professional that the woman illegally used a controlled substance,
11 as defined by Chapter 481, Health and Safety Code, during pregnancy
12 is not required to make a report under this section if:

13 (1) the woman enrolls in or has successfully completed
14 a substance abuse treatment program; or

15 (2) the professional determines:

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

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

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

23 (a) Except as provided by Subsection (a-1), with ~~with~~
24 assistance from the appropriate state or local law enforcement

1 agency as provided by this section, the department shall make a
2 prompt and thorough investigation of a report of child abuse or
3 neglect allegedly committed by a person responsible for a child's
4 care, custody, or welfare. The investigation shall be conducted
5 without regard to any pending suit affecting the parent-child
6 relationship.

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

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