

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION**

**April 10, 2023**

**TO:** Honorable Harold V. Dutton, Jr., Chair, House Committee on Juvenile Justice & Family Issues

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB811** by Meza (Relating to reporting and investigating certain cases of child abuse or neglect involving a pregnant person's use of a controlled substance.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would allow a professional providing prenatal, mental health, or other medical care to not report a person who voluntarily discloses to the professional that the person illegally used a controlled substance in certain circumstances. The bill would also prohibit the agency from investigating a report or abuse or neglect if the person enrolls in and successfully completes a substance abuse treatment program under the supervision of the referring or treating professional.

According to DFPS, the changes to section 261.103 in Family Code in bill section 2 could potentially violate federal law related to the Comprehensive Addiction and Recovery Act. The agency uses the professional reporting under section 261.103 in cases of infants born with, and identified as being affected by substance abuse or withdrawal symptoms resulting from prenatal drug exposure or Fetal Alcohol Spectrum Disorder to comply with the federal requirements. Since this bill would not require professionals to refer these types of cases in certain circumstances to DFPS, the agency would no longer be able to comply with the federal Act.

It is assumed any costs to the Department of Family and Protective Services could be absorbed within existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 530 Family and Protective Services, Department of

**LBB Staff:** JMc, DDel, ER, AN