

## **BILL ANALYSIS**

C.S.H.B. 330  
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Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The bill author has informed the committee that there is no "safe harbor" provision in state law for health care providers or mental health care providers treating a pregnant woman who voluntarily admits to the use of a controlled substance during the pregnancy under the regular course of seeking medical treatment. C.S.H.B. 330 seeks to establish safe harbor protections for these professionals in order to protect medical specialists and pregnant women who seek treatment for drug abuse or addiction during pregnancy.

### **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**

C.S.H.B. 330 amends the Family Code to exempt a professional providing prenatal, mental health, or other medical care to a person who voluntarily discloses to the professional that the person illegally used a controlled substance during pregnancy from the duty to report child abuse or neglect under the following conditions:

- the person provides proof that the person is currently enrolled in or has recently completed a substance abuse treatment program or made reasonable efforts to enroll in such a program, which may include joining a waitlist for a substance abuse treatment program, within 10 days after making the disclosure; and
- the professional determines that there is no immediate risk of harm to the child from the exposure to the controlled substance and that the person does not otherwise pose an immediate risk of harm to the child.

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

### **EFFECTIVE DATE**

September 1, 2025.

## **COMPARISON OF INTRODUCED AND SUBSTITUTE**

While C.S.H.B. 330 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

While both the substitute and the introduced establish that an applicable professional is exempt from the duty to report child abuse or neglect for an otherwise qualifying person who voluntarily discloses to the professional that the person illegally used a controlled substance during pregnancy if the person made reasonable efforts to enroll in a treatment program within a specified period, the introduced established that period to be within five days after the date the person made the disclosure, whereas the substitute establishes the period to be within 10 days after the date the person made the disclosure and specifies that such reasonable efforts include joining a waitlist for a substance abuse treatment program.

The substitute specifies that the introduced version's prohibition against DFPS investigating a report of child abuse or neglect allegedly committed by a person based on the person's illegal use of a controlled substance during pregnancy if the person enrolls in a substance abuse treatment program under the supervision of an applicable professional and successfully completes the program applies only if the person enrolls in a such a treatment program under those conditions during the pregnancy, which the introduced did not specify.