

By: Meza

H.B. No. 330

Substitute the following for H.B. No. 330:

By: Moody

C.S.H.B. No. 330

A BILL TO BE ENTITLED

AN ACT

relating to reporting and investigating certain cases of child abuse or neglect involving a pregnant person'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 person who voluntarily discloses to the professional that the person 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 person provides proof that:

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

(B) the person made reasonable efforts to enroll in a substance abuse treatment program, which may include joining a waitlist for a substance abuse treatment program, within 10 days after the date the person made a disclosure described by this subsection; and

(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 person does not otherwise pose an

1 immediate risk of harm to the child.

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

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

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

20       SECTION 3. This Act takes effect September 1, 2025.