

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
93rd General Assembly
Regular Session, 2021

As Engrossed: H2/1/21
A Bill

HOUSE BILL 1324

By: Representative Gazaway

For An Act To Be Entitled

AN ACT TO GIVE PREGNANT WOMEN PRIORITY ACCESS TO
SUBSTANCE ABUSE TREATMENT AND RECOVERY SERVICES; TO
DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO GIVE PREGNANT WOMEN PRIORITY ACCESS TO
SUBSTANCE ABUSE TREATMENT AND RECOVERY
SERVICES; AND TO DECLARE AN EMERGENCY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. DO NOT CODIFY. Legislative findings and intent.

(a) The General Assembly finds that:

(1) Approximately four hundred forty-six (446) individuals died of a drug overdose in Arkansas in 2017;

(2) According to the National Survey on Drug Use and Health conducted by the United States Substance Abuse and Mental Health Services Administration released on February 28, 2020, approximately fifty-eight thousand (58,000) adult Arkansans needed but did not receive treatment for illicit drug use while approximately one hundred sixty thousand (160,000) adult Arkansans needed but did not receive treatment for substance use;

(3) Reporting under Garrett's Law, § 12-18-305, requires that mandated reporters report a child born with:

(A) An illegal substance present in the child's bodily fluids or bodily substances as a result of the pregnant mother's knowingly using an illegal substance before the birth of the child; or

(B) A health problem as a result of the pregnant mother's



using of an illegal substance before the birth of the child;

(4) Over the years, reports under Garrett's Law have increased and become more pronounced with a total of one thousand three hundred fifty (1,350) reports in the fiscal year 2020 and one thousand three hundred eleven (1,311) reports in fiscal year 2019;

(5) Of the reports under Garrett's Law, ninety-four percent (94%) of the reports in fiscal year 2020 and ninety-four percent (94%) of the reports in fiscal year 2019 were substantiated;

(6) Despite the increasing numbers of substantiated reports under Garrett's Law over the years, only forty-nine (49) beds for specialized women's services are available in Arkansas, with the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services funding all of these beds for specialized women's services in each provider facility;

(7)(A) Acts 1997, No. 964, established the Family Treatment and Rehabilitation Program for Addicted Women and their Children within the University of Arkansas for Medical Services, as codified under § 20-85-101.

(B) However, the Family Treatment and Rehabilitation Program for Addicted Women and their Children has not been active for several years;

(8) The Arkansas CARES program coordinated by Methodist Family Health provides specialized women's services for substance abuse treatment through the Arkansas Medicaid Program and other sources and has a total of twenty (20) beds available for these services; and

(9) The pregnant women of this state need priority access to substance abuse treatment services and recovery services.

(b) It is the intent of the General Assembly to give pregnant women priority access to substance abuse treatment and recovery services.

SECTION 2. Arkansas Code Title 20, Chapter 85, Subchapter 1, is amended to add an additional section to read as follows:

20-85-102. Medicaid priority access for pregnant women.

A substance abuse treatment or recovery service provider that accepts Medicaid shall:

(1) Give pregnant women priority in accessing substance abuse treatment services; and

(2) Not refuse services solely due to pregnancy as long as the services are appropriate for the pregnant woman.

SECTION 3. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that large numbers of Arkansans have died from a drug overdose or have needed but not received treatment for illicit drug use or substance use; that despite increasing numbers of substantiated reports under Garrett's Law over the years, only forty-nine (49) beds for specialized women's services are available in Arkansas; that giving priority to pregnant women to access drug abuse and substance abuse treatment and recovery services is greatly needed in this state to combat drug use and substance use; and that this act is immediately necessary to provide for the safety and health of pregnant women who are struggling with drug use and substance use in this state. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

/s/Gazaway