1	State of Arkansas	As Engrossed: H2/1/21	
2	93rd General Assembly	A Bill	
3	Regular Session, 2021		HOUSE BILL 1324
4			
5	By: Representative Gazaway	,	
6			
7		For An Act To Be Entitled	
8	AN ACT TO	GIVE PREGNANT WOMEN PRIORITY ACCESS TO	
9	SUBSTANCE	ABUSE TREATMENT AND RECOVERY SERVICES;	TO
10	DECLARE A	N EMERGENCY; AND FOR OTHER PURPOSES.	
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13		Subtitle	
14	TO G	GIVE PREGNANT WOMEN PRIORITY ACCESS TO	
15	SUBS	STANCE ABUSE TREATMENT AND RECOVERY	
16	SERV	VICES; AND TO DECLARE AN EMERGENCY.	
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19	BE IT ENACTED BY THE	GENERAL ASSEMBLY OF THE STATE OF ARKANS	AS:
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21	SECTION 1. DO	NOT CODIFY. Legislative findings and i	ntent.
22	(a) The Genera	1 Assembly finds that:	
23	<u>(1) Appr</u>	oximately four hundred forty-six (446)	<u>individuals died</u>
24	of a drug overdose in	Arkansas in 2017;	
25	<u>(2) Acco</u>	rding to the National Survey on Drug Us	<u>e and Health</u>
26	conducted by the Unit	ed States Substance Abuse and Mental He	alth Services
27	Administration releas	ed on February 28, 2020, approximately	<u>fifty-eight</u>
28	thousand (58,000) adu	lt Arkansans needed but did not receive	treatment for
29	illicit drug use whil	e approximately one hundred sixty thous	and (160,000)
30	adult Arkansans neede	d but did not receive treatment for sub	stance use;
31	<u>(3) Repo</u>	rting under Garrett's Law, § 12-18-305,	requires that
32	mandated reporters re	port a child born with:	
33	<u>(A)</u>	An illegal substance present in the c	hild's bodily
34	fluids or bodily subs	tances as a result of the pregnant moth	er's knowingly
35	using an illegal subs	tance before the birth of the child; or	
36	(B)	A health problem as a result of the p	regnant mother's

As Engrossed: H2/1/21 HB1324

1	using of an illegal substance before the birth of the child;
2	(4) Over the years, reports under Garrett's Law have increased
3	and become more pronounced with a total of one thousand three hundred fifty
4	(1,350) reports in the fiscal year 2020 and one thousand three hundred eleven
5	(1,311) reports in fiscal year 2019;
6	(5) Of the reports under Garrett's Law, ninety-four percent
7	(94%) of the reports in fiscal year 2020 and ninety-four percent (94%) of the
8	reports in fiscal year 2019 were substantiated;
9	(6) Despite the increasing numbers of substantiated reports
10	under Garrett's Law over the years, only forty-nine (49) beds for specialized
11	women's services are available in Arkansas, with the Division of Aging,
12	Adult, and Behavioral Health Services of the Department of Human Services
13	funding all of these beds for specialized women's services in each provider
14	<pre>facility;</pre>
15	(7)(A) Acts 1997, No. 964, established the Family Treatment and
16	Rehabilitation Program for Addicted Women and their Children within the
17	University of Arkansas for Medical Services, as codified under § 20-85-101.
18	(B) However, the Family Treatment and Rehabilitation
19	Program for Addicted Women and their Children has not been active for several
20	years;
21	(8) The Arkansas CARES program coordinated by Methodist Family
22	Health provides specialized women's services for substance abuse treatment
23	through the Arkansas Medicaid Program and other sources and has a total of
24	twenty (20) beds available for these services; and
25	(9) The pregnant women of this state need priority access to
26	substance abuse treatment services and recovery services.
27	(b) It is the intent of the General Assembly to give pregnant women
28	priority access to substance abuse treatment and recovery services.
29	
30	SECTION 2. Arkansas Code Title 20, Chapter 85, Subchapter 1, is
31	amended to add an additional section to read as follows:
32	20-85-102. Medicaid priority access for pregnant women.
33	A substance abuse treatment or recovery service provider that accepts
34	Medicaid shall:
35	(1) Give pregnant women priority in accessing substance abuse
36	treatment services; and

As Engrossed: H2/1/21 HB1324

1	(2) Not refuse services solely due to pregnancy as long as the		
2	services are appropriate for the pregnant woman.		
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4	SECTION 3. EMERGENCY CLAUSE. It is found and determined by the		
5	General Assembly of the State of Arkansas that large numbers of Arkansans		
6	have died from a drug overdose or have needed but not received treatment for		
7	illicit drug use or substance use; that despite increasing numbers of		
8	substantiated reports under Garrett's Law over the years, only forty-nine		
9	(49) beds for specialized women's services are available in Arkansas; that		
10	giving priority to pregnant women to access drug abuse and substance abuse		
11	treatment and recovery services is greatly needed in this state to combat		
12	drug use and substance use; and that this act is immediately necessary to		
13	provide for the safety and health of pregnant women who are struggling with		
14	drug use and substance use in this state. Therefore, an emergency is declared		
15	to exist, and this act being immediately necessary for the preservation of		
16	the public peace, health, and safety shall become effective on:		
17	(1) The date of its approval by the Governor;		
18	(2) If the bill is neither approved nor vetoed by the Governor,		
19	the expiration of the period of time during which the Governor may veto the		
20	bill; or		
21	(3) If the bill is vetoed by the Governor and the veto is		
22	overridden, the date the last house overrides the veto.		
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24	/s/Gazaway		
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