

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021

A Bill

HOUSE BILL 1324

4
5 By: Representative Gazaway

For An Act To Be Entitled

8 AN ACT TO GIVE PREGNANT WOMEN PRIORITY ACCESS TO
9 SUBSTANCE ABUSE TREATMENT AND RECOVERY SERVICES; AND
10 FOR OTHER PURPOSES.

Subtitle

14 TO GIVE PREGNANT WOMEN PRIORITY ACCESS TO
15 SUBSTANCE ABUSE TREATMENT AND RECOVERY
16 SERVICES.

17
18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

20
21 SECTION 1. DO NOT CODIFY. Legislative findings and intent.

22 (a) The General Assembly finds that:

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

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

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

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

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



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 facility;

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

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

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36