

SUBJECT: Allowing TCADA-funded drug treatment for students and their families

COMMITTEE: Public Health — favorable, without amendment

VOTE: 8 ayes — Capelo, Laubenberg, Coleman, Dawson, McReynolds, Naishtat,  
Taylor, Zedler

0 nays

1 absent — Truitt

WITNESSES: For — Monica Thyssen, Advocacy Inc.; (*Registered, but did not testify*);  
Vicki Hansen, National Association of Social Workers, Texas Chapter);  
Cynthia Humphrey, Association of Substance Abuse Programs; Deborah  
Hyatt, Texas Federation of Families for Children's Mental Health

Against — None

On — Tom Cowan, Texas Education Agency; Dave Wanser, Texas  
Commission on Alcohol and Drug Abuse

BACKGROUND: Health and Safety Code, sec. 164.006(2) prohibits a treatment facility or an  
agent or person under contract with a treatment facility, if acting on behalf of  
the facility, to offer or provide mental health or chemical dependency services  
to a public or private school if the services are provided to individual students  
or their families.

This prohibition does not apply to a treatment facility that contracts with the  
board of trustees of a school district with an alternative education program to  
provide chemical dependency treatment services. Nor does the prohibition  
apply to a treatment facility operated by the Texas Department of Mental  
Health and Mental Retardation, a federal agency, a political subdivision, a  
community center, or a nonprofit facility that offers counseling for family  
violence, help for runaway children, or rape, all of which are exempt from  
Chapter 164.

**DIGEST:** HB 1321 would exempt a treatment facility funded by the Texas Commission on Alcohol and Drug Abuse (TCADA) from Health and Safety Code, chapter 164.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2003.

**SUPPORTERS SAY:** By authorizing a TCADA-funded treatment facility to offer and provide chemical dependency services to individual students or their families at public or private schools, HB 1321 would allow more Texas students to benefit from grants crafted to preempt the problem of substance abuse and dependence. TCADA's 2002 survey found that 71 percent of Texas students in grades 7-12 reported having used alcohol at some point in their lives. About one-third of the age group reported having used marijuana. Use of the drug ecstasy has increased by 63 percent since 2000.

According to TCADA, 68 percent of youths committed to the Texas Youth Commission (TYC) abused or depended on alcohol or drugs during the year before their incarceration, yet fewer than half of those youths ever had been treated for their problems. Current law allows students to receive treatment for substance abuse and dependency through TYC or an alternative education program. HB 1321 would help make such treatment available for students at an earlier stage and could prevent more students from reaching TYC or an alternative education program in the first place.

By extending access only to treatment facilities that win TCADA grants, the bill would retain strict limits on the eligibility of treatment providers. TCADA's experience qualifies it to act effectively in directing funding to responsible facilities that would submit bids to treat students at school. The agency contracts with about 200 community organizations that help prevent and treat substance-use problems for more than 750,000 clients.

No evidence suggests that the presence of substance-abuse treatment resources encourages experimentation with those substances. Federal money available to TCADA would fund most, if not all, the treatment contemplated by the bill.

**OPPONENTS  
SAY:**

HB 1321 would allow additional drug-treatment providers access to schools, thus distracting educators and students from the core task before them — education. The Legislature enacted Health and Safety Code, chapter 164 to address school districts' problems with substance-abuse professionals that had established a presence in public schools. HB 1321 would create another unnecessary exception to a rule intended to keep substance-abuse treatment providers out of Texas schools.

The bill could have the unintended consequence of increasing students' curiosity about drugs if treatment professionals with access to schools were to spread information. This could lead to greater drug use by students.

**OTHER  
OPPONENTS  
SAY:**

HB 1321 would do nothing to ensure that grant money administered by TCADA results in treating students with substance-use problems. The bill should require TCADA to designate a part of its funding for the treatment of school children.

**NOTES:**

The companion bill, SB 564 by West, was reported favorably, without amendment, by the Senate Health and Human Services Committee on March 17 and was recommended for the Local and Uncontested Calendar.