

BILL SUMMARY

2nd Session of the 60th Legislature

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| Bill No.: | HB4421 |
| Version: | FULLPCS1 |
| Request Number: | 16168 |
| Author: | Speaker Hilbert |
| Date: | 2/17/2026 |
| Impact: | See Analysis below |

Research Analysis

The proposed committee substitute for HB 4421 requires the Department of Human Services to undertake certain actions upon receipt of a report that a child may be drug-endangered or whenever the Department determines there is a child that meets the definition of a "drug-endangered child." The Department must initiate a safety analysis within 24 hours and attempt to get consent for an immediate drug screening for a parent or guardian if substance use is suspected or confirmed, with notification to a district attorney within 24 hours if the parent or guardian refuses to consent. All drug screenings must include mandatory fentanyl testing and drug testing must occur at intake for investigations and removals, as part of ongoing monitoring for open cases or upon reasonable suspicion, and prior to any reunification, visitation expansion, or case closure. If, upon receipt of the report, the Department determines drug activity is indicated or that the child meets the definition of a "drug-endangered child," the Department must immediately make a referral to the appropriate local law enforcement. The Department must make rules to implement provisions of this measure by November 1, 2026.

HB 4421 provides that upon receipt of a report that a child may be drug-endangered, the Department of Human Services has 24 hours to conduct a safety analysis and must attempt to acquire consent for an immediate drug screening for any parent, guardian, or caregiver if substance use is suspected including the use of methamphetamine, opioids, or any indication of fentanyl presence. If such individual refuses to consent to a drug screening, the Department must report to a district attorney within 24 hours to request a court order for the drug screening. All drug screenings must include mandatory fentanyl testing. Drug testing must occur at intake for investigations and removals, as part of ongoing monitoring in open cases or upon reasonable suspicion, and prior to any reunification, expansion of visitation, or case closure. If the Department determines that drug activity is indicated, then they must make a referral to the appropriate local law enforcement agency. The district court judge may order the individual subject to testing to cover drug testing costs, but the Department will cover costs in certain circumstances. The measure also creates the "Child Welfare Fentanyl Testing Revolving Fund," which will offset Department's drug testing costs. The fund will be audited annually and the Department must submit an annual report.

The measure also adds exposing a child to fentanyl under child endangerment. If fentanyl was present or detected in the endangerment that led to the conviction, the person will be guilty of a felony punishable by imprisonment, fine, or both. Such person must also pay a mandatory fine to go in the Child Welfare Fentanyl Testing Revolving Fund.

Prepared By: Suzie Nahach, House Research Staff

Fiscal Analysis

(In Progress)

HB 4421 requires certain efforts of the Department of Human Services (DHS) related to drug-endangered children. Such efforts include required safety analyses, drug screenings, referral actions, and reporting requirements. It is anticipated that these efforts will result in a fiscal impact to DHS. DHS is currently in the process of estimating these costs. This Fiscal Analysis will be updated upon DHS's communication of such estimated costs.

The measure also creates the Child Welfare Fentanyl Testing Revolving Fund, and provides for funding as a result of a \$50 fee established in the measure. This Fund and fee revenue is designed to partially if not completely offset the costs incurred by DHS in administering the provisions of HB 4421..

Prepared By: John McPhetridge, House Fiscal Director

Other Considerations

None.