

By: Toth

H.B. No. 3212

Substitute the following for H.B. No. 3212:

By: Klick

C.S.H.B. No. 3212

A BILL TO BE ENTITLED

AN ACT

relating to newborn screening tests.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. This Act may be cited as Mallori's Act.

SECTION 2. Section 33.011, Health and Safety Code, is amended by adding Subsection (g) to read as follows:

(g) A laboratory or facility established or approved by the department to perform newborn screening tests required by this section must perform screening tests seven days a week.

SECTION 3. Subchapter B, Chapter 33, Health and Safety Code, is amended by adding Section 33.0113 to read as follows:

Sec. 33.0113. REQUIRED DISCLOSURES BEFORE DISCHARGE OF NEWBORN. Before a birthing facility discharges a newborn from the facility, the facility shall orally inform the parent, managing conservator, or guardian of the newborn of:

(1) any risks associated with failure to perform a screening test under Section 33.011; and

(2) the importance of the parent, managing conservator, or guardian receiving and reviewing in a timely manner the results of a screening test specimen analysis.

SECTION 4. Section 161.501(a), Health and Safety Code, is amended to read as follows:

(a) A hospital, birthing center, physician, nurse midwife, or midwife who provides prenatal care to a pregnant woman during

1 gestation or at delivery of an infant shall:

2 (1) provide the woman and the father of the infant, if
3 possible, or another adult caregiver for the infant, with a
4 resource pamphlet that includes:

5 (A) a list of the names, addresses, and phone
6 numbers of professional organizations that provide postpartum
7 counseling and assistance to parents relating to postpartum
8 depression and other emotional trauma associated with pregnancy and
9 parenting;

10 (B) information regarding the prevention of
11 shaken baby syndrome including:

12 (i) techniques for coping with anger caused
13 by a crying baby;

14 (ii) different methods for preventing a
15 person from shaking a newborn, infant, or other young child;

16 (iii) the dangerous effects of shaking a
17 newborn, infant, or other young child; and

18 (iv) the symptoms of shaken baby syndrome
19 and who to contact, as recommended by the American Academy of
20 Pediatrics, if a parent suspects or knows that a baby has been
21 shaken in order to receive prompt medical treatment;

22 (C) a list of diseases for which a child is
23 required by state law to be immunized and the appropriate schedule
24 for the administration of those immunizations;

25 (D) the appropriate schedule for follow-up
26 procedures for newborn screening and information regarding:

27 (i) any risks associated with failure to

1 perform a newborn screening test under Section 33.011; and
2 (ii) the importance of the woman and father
3 of the infant, or another adult caregiver for the infant, receiving
4 and reviewing in a timely manner the results of a screening test
5 specimen analysis;

6 (E) information regarding sudden infant death
7 syndrome, including current recommendations for infant sleeping
8 conditions to lower the risk of sudden infant death syndrome;

9 (F) educational information in both English and
10 Spanish on:

11 (i) pertussis disease and the availability
12 of a vaccine to protect against pertussis, including information on
13 the Centers for Disease Control and Prevention recommendation that
14 parents receive Tdap during the postpartum period to protect
15 newborns from the transmission of pertussis; and

16 (ii) the incidence of cytomegalovirus,
17 birth defects caused by congenital cytomegalovirus, and available
18 resources for the family of an infant born with congenital
19 cytomegalovirus; and

20 (G) the danger of heatstroke for a child left
21 unattended in a motor vehicle;

22 (2) if the woman is a recipient of medical assistance
23 under Chapter 32, Human Resources Code, provide the woman and the
24 father of the infant, if possible, or another adult caregiver with a
25 resource guide that includes information in both English and
26 Spanish relating to the development, health, and safety of a child
27 from birth until age five, including information relating to:

1 (A) selecting and interacting with a primary
2 health care practitioner and establishing a "medical home" for the
3 child;

4 (B) dental care;

5 (C) effective parenting;

6 (D) child safety;

7 (E) the importance of reading to a child;

8 (F) expected developmental milestones;

9 (G) health care resources available in the state;

10 (H) selecting appropriate child care; and

11 (I) other resources available in the state;

12 (3) document in the woman's record that the woman
13 received the resource pamphlet described in Subdivision (1) and the
14 resource guide described in Subdivision (2), if applicable; and

15 (4) retain the documentation for at least five years
16 in the hospital's, birthing center's, physician's, nurse midwife's,
17 or midwife's records.

18 SECTION 5. (a) Not later than September 1, 2023, the
19 Department of State Health Services shall include the information
20 required by Section 161.501(a)(1)(D), Health and Safety Code, as
21 amended by this Act, in the informational materials required by
22 that section.

23 (b) Notwithstanding Section 161.501(a)(1)(D), Health and
24 Safety Code, as amended by this Act, a hospital, birthing center,
25 physician, nurse midwife, or midwife who provides prenatal care to
26 a pregnant woman during gestation or at delivery of an infant is not
27 required to comply with that provision until September 1, 2023.

1 SECTION 6. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2023.