

By: Schatzline

H.B. No. 1652

A BILL TO BE ENTITLED

AN ACT

relating to parental rights regarding cancer treatment for children.

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

SECTION 1. The heading to Subchapter X, Chapter 161, Health and Safety Code, as added by Chapter 819 (H.B. 1649), Acts of the 88th Legislature, Regular Session, 2023, is amended to read as follows:

SUBCHAPTER X. [~~INFORMATION REGARDING RISK OF IMPAIRED FERTILITY FROM~~] CANCER TREATMENTS FOR CHILDREN

SECTION 2. Subchapter X, Chapter 161, Health and Safety Code, as added by Chapter 819 (H.B. 1649), Acts of the 88th Legislature, Regular Session, 2023, is amended by adding Sections 161.6811 and 161.682 to read as follows:

Sec. 161.6811. DEFINITIONS. In this subchapter:

(1) "Child" means a person younger than 18 years of age who:

(A) is not married; or

(B) has not had the disabilities of minority removed for general purposes under Chapter 31, Family Code.

(2) "Parent" means a natural parent, stepparent, adoptive parent, legal guardian, or other legal custodian of a child.

Sec. 161.682. RIGHT TO ELECT CANCER TREATMENT. (a)

1 Notwithstanding any other law, a parent of a child who has been
2 diagnosed with cancer may elect for the child:

3 (1) to receive any available cancer treatment,
4 including an experimental treatment; or

5 (2) not to receive any cancer treatment.

6 (b) A health care provider, health benefit plan issuer, or
7 governmental entity, including the Department of Family and
8 Protective Services, may not penalize a parent for an election
9 authorized under Subsection (a).

10 SECTION 3. Section 161.681, Health and Safety Code, is
11 redesignated as Section 161.683, Health and Safety Code, and
12 amended to read as follows:

13 Sec. 161.683 [~~161.681~~]. NOTICE FOR CHILDREN RECEIVING
14 CHEMOTHERAPY OR RADIATION. (a) A health care facility at which a
15 child will begin receiving chemotherapy or radiation that may
16 directly or indirectly cause impaired fertility must, before the
17 treatment begins, notify the child's parents [~~or legal guardians~~]
18 of the risk of impaired fertility from treatment.

19 (b) The department shall develop and make available a
20 written notice for a health care facility to use for purposes of
21 this section.

22 SECTION 4. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2025.