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S.B. No. 1233

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to information regarding perinatal palliative care;  
3 creating an administrative penalty.

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

5 SECTION 1. This Act may be cited as the Perinatal Palliative  
6 Care Act.

7 SECTION 2. The legislature finds that:

8 (1) palliative care is a critical form of care  
9 provided to alleviate the pain and suffering of individuals with  
10 severe life-threatening or life-limiting illnesses or medical  
11 conditions;

12 (2) in approximately two percent of pregnancies, the  
13 unborn child is diagnosed with a life-threatening or life-limiting  
14 illness or medical condition that may result in the child's death  
15 before or shortly after birth; and

16 (3) since the lives of unborn children are no longer  
17 prematurely taken by abortion in this state, many of the children  
18 described by Subdivision (2) of this section are born alive.

19 SECTION 3. Chapter 161, Health and Safety Code, is amended  
20 by adding Subchapter Z to read as follows:

21 SUBCHAPTER Z. PERINATAL PALLIATIVE CARE

22 Sec. 161.751. PURPOSE OF SUBCHAPTER. The purpose of this  
23 subchapter is to ensure a pregnant woman whose unborn child is  
24 diagnosed with a life-threatening or life-limiting illness or

1 medical condition is informed of the availability of perinatal  
2 palliative care.

3 Sec. 161.752. DEFINITIONS. In this subchapter:

4 (1) "Health care provider" has the meaning assigned by  
5 Section 34.001.

6 (2) "Perinatal palliative care" means the provision of  
7 comprehensive, supportive care to reduce the suffering of a woman  
8 who is pregnant or delivers a child, her unborn child or infant, and  
9 her family, from diagnosis of the unborn child's life-threatening  
10 or life-limiting illness or medical condition through the duration  
11 of the perinatal period and possible death as a result of the  
12 illness or condition. The care may be provided concurrently with  
13 methods of treatment or therapies that seek to cure or minimize the  
14 effects of the illness or condition. The term:

15 (A) includes medical, social, and mental health  
16 care, including counseling regarding treatment options, education,  
17 informed consent, and expression of desires, and health care  
18 provided by maternal-fetal medical specialists, obstetricians,  
19 neonatologists, anesthesia specialists, specialty nurses, clergy,  
20 social workers, and other individuals focused on alleviating fear  
21 and pain and ensuring the woman, her unborn child or infant, and her  
22 family experience a supportive environment; and

23 (B) does not include an act or omission intended  
24 to cause or hasten an unborn child's death.

25 (3) "Perinatal period" means the period beginning at  
26 conception and ending on an infant's first birthday.

27 Sec. 161.753. PERINATAL PALLIATIVE CARE INFORMATIONAL

1 MATERIALS. (a) The commission, in collaboration with the  
2 department and the Palliative Care Interdisciplinary Advisory  
3 Council established under Chapter 118, shall develop perinatal  
4 palliative care informational materials and post the materials on  
5 the commission's Internet website. The materials must include:

6 (1) a description of the health care and other  
7 services available through perinatal palliative care; and

8 (2) information about medical assistance benefits  
9 that may be available for prenatal care, childbirth, and perinatal  
10 palliative care.

11 (b) The commission shall develop, regularly update, and  
12 publish a geographically indexed list of perinatal palliative care  
13 providers and programs in this state. The list must include the  
14 name, physical address, and phone number of each provider or  
15 program. The commission may include perinatal palliative care  
16 providers and programs in other states that provide care to  
17 residents of this state but may not include an abortion provider, as  
18 defined by Section 171.002, or an affiliate, as defined by Section  
19 2273.001, Government Code, of an abortion provider unless the  
20 provider or affiliate performs abortions only during a medical  
21 emergency as defined by Section 171.002.

22 (c) The commission shall post on the commission's Internet  
23 website the list of perinatal palliative care providers and  
24 programs, including the contact information, and note the providers  
25 and programs that provide services free of charge.

26 Sec. 161.754. PERINATAL PALLIATIVE CARE CERTIFICATION  
27 FORM. The commission, in collaboration with the department, shall

1 develop a form on which a pregnant woman certifies she received the  
2 perinatal palliative care informational materials and list of the  
3 perinatal palliative care providers and programs described by  
4 Section 161.753.

5 Sec. 161.755. HEALTH CARE PROVIDER DUTIES ON DIAGNOSIS OF  
6 UNBORN CHILD'S LIFE-THREATENING OR LIFE-LIMITING ILLNESS OR  
7 MEDICAL CONDITION. A health care provider who diagnoses a pregnant  
8 woman's unborn child as having a life-threatening or life-limiting  
9 illness or medical condition shall, at the time of the diagnosis:

10 (1) provide the pregnant woman with a written copy of:

11 (A) the perinatal palliative care informational  
12 materials and list of the perinatal palliative care providers and  
13 programs described by Section 161.753; and

14 (B) the perinatal palliative care certification  
15 form described by Section 161.754; and

16 (2) obtain from the pregnant woman the signed  
17 perinatal palliative care certification form and place the form in  
18 the pregnant woman's medical records.

19 Sec. 161.756. EXCEPTION. A health care provider is not  
20 required to provide the perinatal palliative care informational  
21 materials or perinatal palliative care certification form under  
22 this subchapter if the health care provider verifies the pregnant  
23 woman's medical record contains a signed perinatal palliative care  
24 certification form for that pregnancy as required under Section  
25 161.755(2).

26 Sec. 161.757. COMPLAINTS; DISCIPLINARY ACTION;  
27 ADMINISTRATIVE PENALTY. (a) If a health care provider fails to

1 provide to a pregnant woman the perinatal palliative care  
2 informational materials as required by Section 161.755, the woman  
3 may submit a complaint to the commission in the form and manner the  
4 commission prescribes.

5 (b) A health care provider who violates Section 161.755 is  
6 subject to disciplinary action by the state licensing agency that  
7 regulates the provider. On determining the provider committed a  
8 violation, the agency shall:

9 (1) for an initial violation, issue a written warning  
10 to the provider; and

11 (2) for each subsequent violation, impose on the  
12 provider an administrative penalty in the amount of \$1,000.

13 SECTION 4. This Act takes effect September 1, 2025.