

1-1 By: Hancock, Sparks S.B. No. 1233
1-2 (In the Senate - Filed February 11, 2025;
1-3 February 28, 2025, read first time and referred to Committee on
1-4 Health & Human Services; April 7, 2025, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 6, Nays
1-6 1; April 7, 2025, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Kolkhorst	X		
1-10	Perry	X		
1-11	Blanco	X		
1-12	Cook		X	
1-13	Hall	X		
1-14	Hancock	X		
1-15	Hughes	X		
1-16	Miles		X	
1-17	Sparks		X	

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1233 By: Perry

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to information regarding perinatal palliative care;
1-22 creating an administrative penalty.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. This Act may be cited as the Perinatal Palliative
1-25 Care Act.

1-26 SECTION 2. The legislature finds that:

1-27 (1) palliative care is a critical form of care
1-28 provided to alleviate the pain and suffering of individuals with
1-29 severe life-threatening or life-limiting illnesses or medical
1-30 conditions;

1-31 (2) in approximately two percent of pregnancies, the
1-32 unborn child is diagnosed with a life-threatening or life-limiting
1-33 illness or medical condition that may result in the child's death
1-34 before or shortly after birth; and

1-35 (3) since the lives of unborn children are no longer
1-36 prematurely taken by abortion in this state, many of the children
1-37 described by Subdivision (2) of this section are born alive.

1-38 SECTION 3. Chapter 161, Health and Safety Code, is amended
1-39 by adding Subchapter Z to read as follows:

1-40 SUBCHAPTER Z. PERINATAL PALLIATIVE CARE

1-41 Sec. 161.751. PURPOSE OF SUBCHAPTER. The purpose of this
1-42 subchapter is to ensure a pregnant woman whose unborn child is
1-43 diagnosed with a life-threatening or life-limiting illness or
1-44 medical condition is informed of the availability of perinatal
1-45 palliative care.

1-46 Sec. 161.752. DEFINITIONS. In this subchapter:

1-47 (1) "Health care provider" has the meaning assigned by
1-48 Section 34.001.

1-49 (2) "Perinatal palliative care" means the provision of
1-50 comprehensive, supportive care to reduce the suffering of a woman
1-51 who is pregnant or delivers a child, her unborn child or infant, and
1-52 her family, from diagnosis of the unborn child's life-threatening
1-53 or life-limiting illness or medical condition through the duration
1-54 of the perinatal period and possible death as a result of the
1-55 illness or condition. The care may be provided concurrently with
1-56 methods of treatment or therapies that seek to cure or minimize the
1-57 effects of the illness or condition. The term:

1-58 (A) includes medical, social, and mental health
1-59 care, including counseling regarding treatment options, education,
1-60 informed consent, and expression of desires, and health care

provided by maternal-fetal medical specialists, obstetricians, neonatologists, anesthesia specialists, specialty nurses, clergy, social workers, and other individuals focused on alleviating fear and pain and ensuring the woman, her unborn child or infant, and her family experience a supportive environment; and

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

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

Sec. 161.753. PERINATAL PALLIATIVE CARE INFORMATIONAL MATERIALS. (a) The commission, in collaboration with the department and the Palliative Care Interdisciplinary Advisory Council established under Chapter 118, shall develop perinatal palliative care informational materials and post the materials on the commission's Internet website. The materials must include:

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

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

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

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

Sec. 161.754. PERINATAL PALLIATIVE CARE CERTIFICATION FORM. The commission, in collaboration with the department, shall develop a form on which a pregnant woman certifies she received the perinatal palliative care informational materials and list of the perinatal palliative care providers and programs described by Section 161.753.

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

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

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

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

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

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

Sec. 161.757. COMPLAINTS; DISCIPLINARY ACTION; ADMINISTRATIVE PENALTY. (a) If a health care provider fails to provide to a pregnant woman the perinatal palliative care informational materials as required by Section 161.755, the woman may submit a complaint to the commission in the form and manner the commission prescribes.

(b) A health care provider who violates Section 161.755 is

3-1 subject to disciplinary action by the state licensing agency that
3-2 regulates the provider. On determining the provider committed a
3-3 violation, the agency shall:

3-4 (1) for an initial violation, issue a written warning
3-5 to the provider; and

3-6 (2) for each subsequent violation, impose on the
3-7 provider an administrative penalty in the amount of \$1,000.

3-8 SECTION 4. This Act takes effect September 1, 2025.

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