

By: Capelo

H.B. No. 3010

A BILL TO BE ENTITLED

AN ACT

1
2 relating to information provided to parents of newborn children
3 relating to immunizations.

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

5 SECTION 1. Subchapter A, Chapter 161, Health and Safety
6 Code, is amended by adding Section 161.0045 to read as follows:

7 Sec. 161.0045. INFORMATION ON IMMUNIZATION OF CHILDREN;
8 DUTIES OF HOSPITALS AND BIRTHING CENTERS. (a) Before a newborn
9 child is discharged after birth from a birthing center licensed
10 under Chapter 244 or a hospital, the birthing center or hospital
11 shall provide to the child's parent, managing conservator, or
12 guardian an informational pamphlet describing immunizations
13 available to protect the child from disease. A physician or
14 certified nurse-midwife that attends the birth of a child outside
15 of a birthing center or hospital shall provide the pamphlet to the
16 child's parent, managing conservator, or guardian as soon as
17 practicable following the birth of the child. An employee or
18 volunteer of the birthing center or hospital, the physician, the
19 certified nurse-midwife, or an employee or volunteer on behalf of
20 the physician or certified nurse-midwife shall personally deliver
21 the pamphlet to the child's parent, managing conservator, or
22 guardian.

23 (b) The department shall develop the informational pamphlet
24 required by this section.

1 (c) The informational pamphlet must describe:

2 (1) the diseases for which the child may be immunized;

3 (2) the appropriate schedule for administration of the
4 immunizations to the child;

5 (3) the reasons the immunizations would be beneficial
6 for the child;

7 (4) the potential risks of the immunizations;

8 (5) any other information a parent, managing
9 conservator, or guardian needs to make an informed consent to the
10 immunizations; and

11 (6) the immunization registry.

12 (d) The department shall make the informational pamphlet
13 available to hospitals having a maternity unit, birthing centers,
14 physicians, and certified nurse-midwives.

15 (e) The Office of Early Childhood Coordination of the Health
16 and Human Services Commission shall coordinate funding for the
17 development, publication, and distribution of the informational
18 pamphlet. The development, publication, and distribution of the
19 pamphlet may be funded through means other than appropriations,
20 which may include gifts and grants and sale of sponsorship or
21 advertising.

22 SECTION 2. Subchapter B, Chapter 241, Health and Safety
23 Code, is amended by adding Section 241.029 to read as follows:

24 Sec. 241.029. INFORMATION ON IMMUNIZATION OF CHILDREN; DUTY
25 OF HOSPITAL. A hospital shall comply with Section 161.0045.

26 SECTION 3. Chapter 244, Health and Safety Code, is amended
27 by adding Section 244.0104 to read as follows:

1 Sec. 244.0104. INFORMATION ON IMMUNIZATION OF CHILDREN;
2 DUTY OF BIRTHING CENTER. A birthing center shall comply with
3 Section 161.0045.

4 SECTION 4. Section 531.285, Government Code, is amended by
5 adding Subsection (d) to read as follows:

6 (d) The office shall coordinate funding for the
7 development, publication, and distribution of the informational
8 pamphlet relating to immunization of children as required by
9 Section 161.0045, Health and Safety Code.

10 SECTION 5. Not later than January 1, 2004, the Texas
11 Department of Health shall make available the informational
12 pamphlet described by Section 161.0045, Health and Safety Code, as
13 added by this Act. In developing the informational pamphlet, the
14 department may consider material contained in informational
15 pamphlets previously prepared by the department and may use
16 information previously compiled and available to the department.

17 SECTION 6. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2003.