

BILL ANALYSIS

Senate Research Center

S.B. 316
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Health & Human Services
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Enrolled

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, there are no laws in place to help educate parents about and prevent shaken baby syndrome (SBS). S.B. 316 seeks to prevent cases of SBS by increasing parental awareness about the issue. S.B. 316 requires the Health and Human Services Commission (HHSC) to create an informational brochure about SBS, which would be posted on the HHSC website. The bill also requires that all hospitals, birthing centers, and midwives be required to present new parents with written or verbal information about SBS shortly after their child's birth.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

[While the statutory reference in this bill is to the Texas Department of Health (TDH), the following amendments affect the Department of State Health Services, as the successor agency to TDH and a component of the Health and Human Services Commission.]

SECTION 1. Redesignates and amends Subchapter R, Chapter 161, Health and Safety Code, as added by Chapter 1011, Acts of the 78th Legislature, Regular Session, 2003, as Subchapter T, Chapter 161, Health and Safety Code, as follows:

SUBCHAPTER T. New heading: INFORMATION FOR PARENTS OF NEWBORN CHILDREN

Sec. 161.501. New heading: RESOURCE PAMPHLET. Redesignates text from existing Section 161.451. (a) Requires a hospital, birthing center, physician, nurse midwife, or midwife who provides prenatal care to a pregnant woman during gestation or at delivery of an infant to:

- (1) provide the woman, as well as the father of the infant or another adult caregiver, with a resource pamphlet that includes certain information about caring for a crying baby;
- (2) document in the woman's, rather than patient's, record that the woman received the information described in Subdivision (1); and
- (3) retain the documentation for at least five, rather than three, years in the hospital's, birthing center's, physician's, nurse midwife's, or midwife's records.

(b) Authorizes a hospital, birthing center, physician, nurse midwife, or midwife to use the pamphlet provided on the Texas Department of Health's (TDH) website or an alternative pamphlet that provides the information required by this section. Deletes existing text relating to counseling for postpartum depression and compliance with this section.

Sec. 161.502. DUTIES OF DEPARTMENT. Redesignates text from existing Section 161.452. (a) Requires TDH to:

(1) establish guidelines for the provision of the information required by Section 161.451;

(2) make available on TDH's website a printable version of the pamphlet required by Section 161.451, rather than a list of professional organizations that provide postpartum counseling;

(3) update the list of resources and required immunizations in the pamphlet required under Subdivision (2) quarterly;

(4) make the pamphlet required by Section 161.501 available for distribution to certain health related entities; and

(5) coordinate funding for the development, publication, and distribution of the informational pamphlet and solicit funding for TDH's duties under this subchapter.

(b) Authorizes TDH to include additional information in the pamphlet as appropriate for parents of newborns.

Sec. 161.503. LIABILITY NOT CREATED. Provides that this chapter does not create civil or criminal liability.

SECTION 2. Sets forth requirements concerning the pamphlet required by Section 161.502, Health and Safety Code, as redesignated and amended by this Act, before this pamphlet may be published or distributed.

SECTION 3. Effective date: September 1, 2005.