

By: Lucio

S.B. No. 316

A BILL TO BE ENTITLED

AN ACT

relating to the prevention of shaken baby syndrome.

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

SECTION 1. Subtitle H, Title 2, Health and Safety Code, is amended by adding Chapter 165A to read as follows:

CHAPTER 165A. PREVENTION OF SHAKEN BABY SYNDROME

Sec. 165A.001. DEFINITIONS. In this chapter:

(1) "Birthing facility" means:

(A) a hospital licensed under Chapter 241 that offers obstetrical services; or

(B) a birthing center licensed under Chapter 244.

(2) "Department" means the Department of State Health Services.

(3) "Midwife" means a person who is identified as a midwife under Chapter 203, Occupations Code.

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

Sec. 165A.002. REQUIRED EDUCATIONAL MATERIAL. (a) The department shall create a brochure describing:

(1) the dangerous effects of shaking a newborn, infant, or other young child;

(2) different methods for managing the causes that may lead a person to shake a newborn, infant, or other young child; and

1 (3) different methods for preventing a person from
2 shaking a newborn, infant, or other young child.

3 (b) The department may distribute the brochure to
4 physicians, nurses, midwives, and birthing facilities.

5 (c) The department shall make the brochure available on the
6 department's website.

7 Sec. 165A.003. REQUIRED INFORMATION FOR A PARENT. (a)
8 Before a parent of a newborn leaves a birthing facility with the
9 newborn, the birthing facility shall provide the parent with
10 written or oral notice of the dangers of shaking a newborn, infant,
11 or other young child.

12 (b) Before a physician, nurse, or midwife leaves a newborn
13 that was born outside of a birthing facility alone with a parent,
14 the physician, nurse, or midwife shall provide the parent with
15 written or oral notice of the dangers of shaking a newborn, infant,
16 or other young child.

17 (c) A person may provide the notice required by this section
18 along with any other information the person is required to provide
19 to the parent.

20 (d) A person may satisfy the requirement for written or oral
21 notice by providing a parent with the information in the brochure
22 created by the department under Section 165A.002.

23 Sec. 165A.004. LIABILITY NOT CREATED. This chapter does
24 not create civil or criminal liability.

25 SECTION 2. This Act takes effect September 1, 2005.