

1-1 By: Lucio S.B. No. 316  
1-2 (In the Senate - Filed February 1, 2005; February 7, 2005,  
1-3 read first time and referred to Committee on Health and Human  
1-4 Services; March 3, 2005, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;  
1-6 March 3, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 316 By: Carona

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to information provided to parents of newborn children.  
1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
1-12 SECTION 1. Subchapter R, Chapter 161, Health and Safety  
1-13 Code, as added by Chapter 1011, Acts of the 78th Legislature,  
1-14 Regular Session, 2003, is redesignated as Subchapter T, Chapter  
1-15 161, Health and Safety Code, and amended to read as follows:  
1-16 SUBCHAPTER T ~~[R]~~. ~~[PARENTING AND POSTPARTUM COUNSELING]~~  
1-17 INFORMATION FOR PARENTS OF NEWBORN CHILDREN  
1-18 Sec. 161.501 ~~[161.451]~~. RESOURCE PAMPHLET ~~[LIST]~~. (a) A  
1-19 hospital, birthing center, physician, nurse midwife, or midwife who  
1-20 provides prenatal care to a pregnant woman during gestation or at  
1-21 delivery of an infant shall:  
1-22 (1) provide the woman and the father of the infant, if  
1-23 possible, or another adult caregiver for the infant, with a  
1-24 resource pamphlet that includes:  
1-25 (A) a list of the names, addresses, and phone  
1-26 numbers of professional organizations that provide postpartum  
1-27 counseling and assistance to parents relating to postpartum  
1-28 depression and other emotional trauma associated with pregnancy and  
1-29 parenting;  
1-30 (B) information regarding the prevention of  
1-31 shaken baby syndrome including:  
1-32 (i) techniques for coping with anger caused  
1-33 by a crying baby;  
1-34 (ii) different methods for preventing a  
1-35 person from shaking a newborn, infant, or other young child; and  
1-36 (iii) the dangerous effects of shaking a  
1-37 newborn, infant, or other young child;  
1-38 (C) a list of diseases for which a child is  
1-39 required by state law to be immunized and the appropriate schedule  
1-40 for the administration of those immunizations; and  
1-41 (D) the appropriate schedule for follow-up  
1-42 procedures for newborn screening;  
1-43 (2) document in the woman's ~~[patient's]~~ record that  
1-44 the woman ~~[patient]~~ received the information described in  
1-45 Subdivision (1); and  
1-46 (3) retain the documentation for at least five ~~[three]~~  
1-47 years in the hospital's, birthing center's, physician's, nurse  
1-48 midwife's, or midwife's records.  
1-49 (b) A hospital, birthing center, physician, nurse midwife,  
1-50 or midwife may use the pamphlet provided on the department's  
1-51 website or an alternative pamphlet that provides the information  
1-52 required by this section ~~[The list must include resources a parent~~  
1-53 ~~may contact to receive counseling and assistance for postpartum~~  
1-54 ~~depression and other emotional traumas associated with pregnancy~~  
1-55 ~~and parenting].~~  
1-56 ~~[(c) A hospital, birthing center, physician, nurse midwife,~~  
1-57 ~~or midwife who provides prenatal care to a woman during gestation or~~  
1-58 ~~at delivery is presumed to have complied with this section if the~~  
1-59 ~~woman received prior prenatal care from another hospital, birthing~~  
1-60 ~~center, physician, or midwife in this state during the same~~  
1-61 ~~pregnancy.]~~  
1-62 Sec. 161.502 ~~[161.452]~~. DUTIES OF DEPARTMENT. (a) The  
1-63 department shall:

2-1 (1) establish guidelines for the provision of the  
2-2 information required by Section 161.501 [~~161.451~~];  
2-3 (2) make available on the department's website a  
2-4 printable version of the pamphlet required by Section 161.501 [~~list~~  
2-5 ~~of professional organizations that provide postpartum counseling~~  
2-6 ~~and assistance to parents~~]; [and]  
2-7 (3) update the list of resources and required  
2-8 immunizations in the pamphlet required under Subdivision (2)  
2-9 quarterly; and  
2-10 (4) coordinate funding for the development,  
2-11 publication, and distribution of the informational pamphlet with  
2-12 other health and human services agencies, and solicit funding for  
2-13 the department's duties under this subchapter through means other  
2-14 than appropriations, such as gifts, grants, and sales of  
2-15 sponsorship or advertising [monthly].  
2-16 (b) The department may include additional information in  
2-17 the pamphlet as appropriate for parents of newborns.  
2-18 Sec. 161.503. LIABILITY NOT CREATED. This subchapter does  
2-19 not create civil or criminal liability.  
2-20 SECTION 2. This Act takes effect September 1, 2005.

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