

BILL ANALYSIS

H.B. 1842
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State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Texas Prevention First Act aims to reduce unintended pregnancies and abortions and curb the spread of sexually transmitted infections (STIs) by expanding outreach for family planning services, ensuring accurate and effective sex education in public schools, and keeping parents fully informed about the content of their child's sex education instruction.

The 79th Texas Legislature passed Senate Bill 747 creating the Women's Health Program, a five-year Medicaid waiver program that allows women between 18 and 44 years of age and up to 185% of the Federal Poverty Level to access family planning services. These include: well-woman exams (pap smears), FDA-approved contraceptive methods and counseling, and screenings for breast and cervical cancer, diabetes, hypertension, and anemia. This program is highly cost-effective for the state of Texas. The federal government will match Texas' investment in this program at a 90/10 ratio. In other words, for every \$1 that the state spends, the federal government will pay an additional \$9. In addition, by giving more women access to family planning services, the state of Texas will avert significant health care costs for public programs. The Texas Department of State Health Services (DSHS) estimates that it costs \$170 for a year of family planning care for a woman (includes a pap smear and a year of contraception). In contrast, the first year of a Medicaid-funded pregnancy is nearly \$8,500. One out of every two births in Texas is paid for through the Medicaid program.

According to the Health and Human Services Commission (HHSC), the Women's Health Program is projected to save the state of Texas \$278 million over the five-year demonstration timeline and save the federal government an additional \$189 million. Nineteen other states that have similar Medicaid waiver programs have shown significant cost savings to both their state governments and to the federal government. The state of Texas is only slated to spend \$25,000 per year on outreach on this program, with the federal government contributing only another \$25,000. House Bill 1842 directs the HHSC to conduct an outreach campaign employing print and broadcast media, the internet, and a toll-free hotline to increase participation in the Women's Health Program.

Current Texas law requires that contraceptive use, if it is taught, must be taught in terms of "human use reality rates" as opposed to "theoretical laboratory rates." Neither of these rates is defined in statute, nor do they have commonly cited sources in the field of public health. Current Texas law also requires school districts to notify parents of the content of sex education classes and the parent's right to remove their child from any part of the class. The law does not specify any requirements as to the content of the notification. H.B. 1842 clarifies the distinction between the theoretical and practical effectiveness of contraception, and increases the information disclosed to parents about the contents of their school's sex education curriculum.

H.B. 1842 does not require schools to teach comprehensive sex education, but rather requires schools to fully inform parents about the specific content of sex education instruction. In addition, H.B. 1842 does not change a parent's existing right to opt their child out of a sex education class.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Short title.

SECTION 2. Purposes and findings.

SECTION 3. Amends Subchapter B, Chapter 531, Government Code, to add Sec. 531.093, Government Code to require the Health and Human Services Commission (HHSC) to conduct a comprehensive marketing and outreach campaign, to the extent money is available, to reduce the number of unintended pregnancies and lower the rates of sexually transmitted diseases; the outreach program will need to include print and broadcast media, Internet websites, and a toll-free telephone number. In funding this outreach campaign, HHSC, the governor, and the Legislative Budget Board may not decrease levels of services and programs designed to reduce the number of unintended pregnancies and lower the rates of sexually transmitted diseases to a level below that provided on September 1, 2007.

SECTION 4. Amends Section 28.004, Education Code, to require that contraceptive use, if it is taught, must be taught in terms of "typical use rates" as well as "perfect use rates" with an emphasis on the reason those rates differ; defines terms used in the section. Expands the parental notification requirement for sex education instruction. The notification must include certain specified information, including a statement regarding whether a parent's child is receiving information on contraception and condom use and information regarding opportunities for parental involvement in the development of sex education curriculum.

SECTION 5. Effective date.

EFFECTIVE DATE

September 1, 2007.