

By: Madden

H.B. No. 2389

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the right of a minor in the custody of the Texas
3 Department of Criminal Justice to consent to medical, dental,
4 psychological, and surgical treatment.

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

6 SECTION 1. Subchapter B, Chapter 501, Government Code, is
7 amended by adding Section 501.059 to read as follows:

8 Sec. 501.059. CONSENT TO MEDICAL, DENTAL, PSYCHOLOGICAL,
9 AND SURGICAL TREATMENT. An inmate who is younger than 18 years of
10 age and is confined in a facility operated by or under contract with
11 the department may, in accordance with procedures established by
12 the department, consent to medical, dental, psychological, and
13 surgical treatment for the inmate by a licensed health care
14 practitioner, or a person under the direction of a licensed health
15 care practitioner, unless the treatment would constitute a
16 prohibited practice under Section 164.052(a)(19), Occupations
17 Code.

18 SECTION 2. Section 32.003(a), Family Code, is amended to
19 read as follows:

20 (a) A child may consent to medical, dental, psychological,
21 and surgical treatment for the child by a licensed physician or
22 dentist if the child:

23 (1) is on active duty with the armed services of the
24 United States of America;

1 (2) is:

2 (A) 16 years of age or older and resides separate
3 and apart from the child's parents, managing conservator, or
4 guardian, with or without the consent of the parents, managing
5 conservator, or guardian and regardless of the duration of the
6 residence; and

7 (B) managing the child's own financial affairs,
8 regardless of the source of the income;

9 (3) consents to the diagnosis and treatment of an
10 infectious, contagious, or communicable disease that is required by
11 law or a rule to be reported by the licensed physician or dentist to
12 a local health officer or the Texas Department of Health, including
13 all diseases within the scope of Section 81.041, Health and Safety
14 Code;

15 (4) is unmarried and pregnant and consents to
16 hospital, medical, or surgical treatment, other than abortion,
17 related to the pregnancy;

18 (5) consents to examination and treatment for drug or
19 chemical addiction, drug or chemical dependency, or any other
20 condition directly related to drug or chemical use; ~~[or]~~

21 (6) is unmarried, is the parent of a child, and has
22 actual custody of his or her child and consents to medical, dental,
23 psychological, or surgical treatment for the child; or

24 (7) is serving a term of confinement in a facility
25 operated by or under contract with the Texas Department of Criminal
26 Justice, unless the treatment would constitute a prohibited
27 practice under Section 164.052(a)(19), Occupations Code.

1 SECTION 3. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2007.