

By: Madden

H.B. No. 2389

Substitute the following for H.B. No. 2389:

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C.S.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.