

1-1 By: Madden (Senate Sponsor - Deuell) H.B. No. 2389
1-2 (In the Senate - Received from the House May 10, 2007;
1-3 May 14, 2007, read first time and referred to Committee on Criminal
1-4 Justice; May 18, 2007, reported favorably by the following vote:
1-5 Yeas 5, Nays 0; May 18, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the right of a minor in the custody of the Texas
1-9 Department of Criminal Justice to consent to medical, dental,
1-10 psychological, and surgical treatment.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subchapter B, Chapter 501, Government Code, is
1-13 amended by adding Section 501.059 to read as follows:

1-14 Sec. 501.059. CONSENT TO MEDICAL, DENTAL, PSYCHOLOGICAL,
1-15 AND SURGICAL TREATMENT. An inmate who is younger than 18 years of
1-16 age and is confined in a facility operated by or under contract with
1-17 the department may, in accordance with procedures established by
1-18 the department, consent to medical, dental, psychological, and
1-19 surgical treatment for the inmate by a licensed health care
1-20 practitioner, or a person under the direction of a licensed health
1-21 care practitioner, unless the treatment would constitute a
1-22 prohibited practice under Section 164.052(a)(19), Occupations
1-23 Code.

1-24 SECTION 2. Section 32.003(a), Family Code, is amended to
1-25 read as follows:

1-26 (a) A child may consent to medical, dental, psychological,
1-27 and surgical treatment for the child by a licensed physician or
1-28 dentist if the child:

1-29 (1) is on active duty with the armed services of the
1-30 United States of America;

1-31 (2) is:

1-32 (A) 16 years of age or older and resides separate
1-33 and apart from the child's parents, managing conservator, or
1-34 guardian, with or without the consent of the parents, managing
1-35 conservator, or guardian and regardless of the duration of the
1-36 residence; and

1-37 (B) managing the child's own financial affairs,
1-38 regardless of the source of the income;

1-39 (3) consents to the diagnosis and treatment of an
1-40 infectious, contagious, or communicable disease that is required by
1-41 law or a rule to be reported by the licensed physician or dentist to
1-42 a local health officer or the Texas Department of Health, including
1-43 all diseases within the scope of Section 81.041, Health and Safety
1-44 Code;

1-45 (4) is unmarried and pregnant and consents to
1-46 hospital, medical, or surgical treatment, other than abortion,
1-47 related to the pregnancy;

1-48 (5) consents to examination and treatment for drug or
1-49 chemical addiction, drug or chemical dependency, or any other
1-50 condition directly related to drug or chemical use; ~~or~~

1-51 (6) is unmarried, is the parent of a child, and has
1-52 actual custody of his or her child and consents to medical, dental,
1-53 psychological, or surgical treatment for the child; or

1-54 (7) is serving a term of confinement in a facility
1-55 operated by or under contract with the Texas Department of Criminal
1-56 Justice, unless the treatment would constitute a prohibited
1-57 practice under Section 164.052(a)(19), Occupations Code.

1-58 SECTION 3. This Act takes effect immediately if it receives
1-59 a vote of two-thirds of all the members elected to each house, as
1-60 provided by Section 39, Article III, Texas Constitution. If this
1-61 Act does not receive the vote necessary for immediate effect, this
1-62 Act takes effect September 1, 2007.

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