

By: Smith of Tarrant

H.C.R. No. 91

CONCURRENT RESOLUTION

1 WHEREAS, Family planning services are essential to promoting
2 reproductive health and, by extension, healthy young families in
3 communities of all types throughout Texas, and federal programs
4 provide significant financial support to facilities offering these
5 services; among the four federal programs that provide funds for
6 family planning services in Texas, those operating under Title X of
7 the Public Health Service Act and Medicaid require family planning
8 facilities to provide confidential contraceptive services to
9 anyone who seeks them, regardless of age, in exchange for receiving
10 money from the federal government; and

11 WHEREAS, Established by Congress in 1970, Title X of the
12 Public Health Service Act was designed "to assist in making
13 comprehensive voluntary family planning services readily available
14 to all persons desiring such services"; in 1997, these services,
15 including the availability of contraception, were extended to
16 minors under the age of 16 as a result of the United States Supreme
17 Court decision in *Carey v. Population Services International*, 431
18 U.S. 678 (1977); consequently, Title X clinics can provide minors
19 with free contraceptives without a parent's knowledge or consent;
20 and

21 WHEREAS, In 1972, Medicaid funding for family planning was
22 authorized to cover health care services for low-income women
23 through a cooperative federal-state program; in Texas, any provider
24 receiving Title X funds from the state must also provide services to

1 Medicaid-eligible clients, and, in accepting federal matching
2 funds for the Medicaid program, the state cannot require minors to
3 obtain parental consent before receiving family planning services,
4 including contraceptives; and

5 WHEREAS, Taken together, these requirements effectively
6 force the state to provide contraceptives to children under the age
7 of 16 in order to finance critical family planning services and
8 reduce the likelihood of parental involvement at a time in a child's
9 sexual development when emotional capacity is not likely to
10 correspond to physical maturity; additionally, family planning
11 programs operating under Title V and Title XX of the Social Security
12 Act are not explicitly prohibited from requiring parental consent
13 for the dispensation of prescriptions, devaluing the implication
14 that confidentiality is a necessity and sending a mixed message to
15 state administrators of family planning programs; now, therefore,
16 be it

17 RESOLVED, That the 81st Legislature of the State of Texas
18 hereby respectfully urge the Congress of the United States to
19 remove confidentiality mandates for minors from family planning
20 services programs operating under Title X of the Public Health
21 Services Act and Medicaid; and, be it further

22 RESOLVED, That the Texas secretary of state forward official
23 copies of this resolution to the president of the United States, to
24 the speaker of the house of representatives and the president of the
25 senate of the United States Congress, and to all the members of the
26 Texas delegation to the Congress with the request that this
27 resolution be officially entered in the Congressional Record as a

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1 memorial to the Congress of the United States of America.