

1-1 By: West S.B. No. 1092  
1-2 (In the Senate - Filed February 24, 2009; March 13, 2009, read  
1-3 first time and referred to Committee on Health and Human Services;  
1-4 April 17, 2009, reported favorably by the following vote: Yeas 9,  
1-5 Nays 0; April 17, 2009, sent to printer.)

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

1-8 relating to the screening of newborns for sickle-cell trait and  
1-9 other disorders by the Department of State Health Services.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. The heading to Chapter 33, Health and Safety  
1-12 Code, is amended to read as follows:

1-13 CHAPTER 33. PHENYLKETONURIA, OTHER HERITABLE DISEASES,  
1-14 HYPOTHYROIDISM, AND CERTAIN OTHER DISORDERS OR TRAITS

1-15 SECTION 2. Subsections (a) and (c), Section 33.002, Health  
1-16 and Safety Code, are amended to read as follows:

1-17 (a) The department shall carry out a program to combat  
1-18 morbidity, including mental retardation, and mortality in persons  
1-19 who have phenylketonuria, other heritable diseases, other  
1-20 disorders for which screening is required by the department,  
1-21 sickle-cell trait, or hypothyroidism.

1-22 (c) The department shall establish and maintain a  
1-23 laboratory to:

1-24 (1) conduct experiments, projects, and other  
1-25 activities necessary to develop screening or diagnostic tests for  
1-26 the early detection of phenylketonuria, other heritable diseases,  
1-27 other disorders for which screening is required by the department,  
1-28 sickle-cell trait, and hypothyroidism;

1-29 (2) develop ways and means or discover methods to be  
1-30 used to prevent or treat phenylketonuria, other heritable diseases,  
1-31 other disorders for which screening is required by the department,  
1-32 sickle-cell trait, and hypothyroidism; and

1-33 (3) serve other purposes considered necessary by the  
1-34 department to carry out the program.

1-35 SECTION 3. Subsection (a), Section 33.011, Health and  
1-36 Safety Code, is amended to read as follows:

1-37 (a) The physician attending a newborn child or the person  
1-38 attending the delivery of a newborn child that is not attended by a  
1-39 physician shall subject the child to screening tests approved by  
1-40 the department for phenylketonuria, other heritable diseases,  
1-41 hypothyroidism, sickle-cell trait, and other disorders for which  
1-42 screening is required by the department.

1-43 SECTION 4. Subsection (a), Section 33.014, Health and  
1-44 Safety Code, is amended to read as follows:

1-45 (a) If, because of an analysis of a specimen submitted under  
1-46 Section 33.011, the department reasonably suspects that a newborn  
1-47 child may have phenylketonuria, another heritable disease,  
1-48 hypothyroidism, sickle-cell trait, or another disorder for which  
1-49 the screening tests are required, the department shall notify the  
1-50 person who submits the specimen that the results are abnormal and  
1-51 provide the test results to that person. The department may notify  
1-52 one or more of the following that the results of the analysis are  
1-53 abnormal and recommend further testing when necessary:

1-54 (1) the physician attending the newborn child or the  
1-55 physician's designee;

1-56 (2) the person attending the delivery of the newborn  
1-57 child that was not attended by a physician;

1-58 (3) the parents of the newborn child;

1-59 (4) the health authority of the jurisdiction in which  
1-60 the newborn child was born or in which the child resides, if known;  
1-61 or

1-62 (5) physicians who are cooperating pediatric  
1-63 specialists for the program.

1-64 SECTION 5. Subsection (a), Section 33.031, Health and

2-1 Safety Code, is amended to read as follows:

2-2 (a) All newborn children and other individuals under 21  
2-3 years of age who have been screened, have been found to be  
2-4 presumptively positive through the newborn screening program for  
2-5 phenylketonuria, other heritable diseases, hypothyroidism,  
2-6 sickle-cell trait, or another disorder for which the screening  
2-7 tests are required, and may be financially eligible may be referred  
2-8 to the department's services program for children with special  
2-9 health care needs.

2-10 SECTION 6. Subsection (a), Section 33.032, Health and  
2-11 Safety Code, is amended to read as follows:

2-12 (a) Within the limits of funds available for this purpose  
2-13 and in cooperation with the individual's physician, the department  
2-14 may provide services directly or through approved providers to  
2-15 individuals of any age who meet the eligibility criteria specified  
2-16 by board rules on the confirmation of a positive test for  
2-17 phenylketonuria, other heritable diseases, hypothyroidism,  
2-18 sickle-cell trait, or another disorder for which the screening  
2-19 tests are required.

2-20 SECTION 7. As soon as practicable after the effective date  
2-21 of this Act, the Department of State Health Services shall  
2-22 implement the changes in law made by this Act to the newborn  
2-23 screening program under Chapter 33, Health and Safety Code.

2-24 SECTION 8. This Act takes effect September 1, 2009.

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