

By: Strama

H.B. No. 1255

A BILL TO BE ENTITLED

AN ACT

relating to programs, services, and information related to women's health, family planning, and human sexuality.

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

SECTION 1. DEMONSTRATION PROJECT FOR WOMEN'S HEALTH CARE SERVICES. Sections 32.0248(a) and (i), Human Resources Code, are amended to read as follows:

(a) The department shall establish a seven-year [~~five-year~~] demonstration project through the medical assistance program to expand access to preventive health and family planning services for women. A woman eligible under Subsection (b) to participate in the demonstration project may receive appropriate preventive health and family planning services, including:

- (1) medical history recording and evaluation;
- (2) physical examinations;
- (3) health screenings, including screening for:
 - (A) diabetes;
 - (B) cervical cancer;
 - (C) breast cancer;
 - (D) sexually transmitted diseases;
 - (E) hypertension;
 - (F) cholesterol; and
 - (G) tuberculosis;
- (4) counseling and education on contraceptive methods

1 emphasizing the health benefits of abstinence from sexual activity
2 to recipients who are not married, except for counseling and
3 education regarding emergency contraception;

4 (5) provision of contraceptives, except for the
5 provision of emergency contraception;

6 (6) risk assessment; and

7 (7) referral of medical problems to appropriate
8 providers that are entities or organizations that do not perform or
9 promote elective abortions or contract or affiliate with entities
10 that perform or promote elective abortions.

11 (i) This section expires December 31, 2013 [~~September 1,~~
12 ~~2011~~].

13 SECTION 2. OUTREACH. Subchapter B, Chapter 531,
14 Government Code, is amended by adding Section 531.095 to read as
15 follows:

16 Sec. 531.095. IMPLEMENTATION OF MEASURES TO ACHIEVE
17 CASELOAD AND COST-SAVINGS ESTIMATES. (a) To attain the state and
18 federal cost-savings and reduced rates of unintended pregnancies
19 estimated in the waiver application, or any renewal waiver
20 application, submitted to the Centers for Medicare and Medicaid
21 Services for implementation of the demonstration project for
22 women's health care services authorized under Section 32.0248,
23 Human Resources Code, the commission shall implement effective
24 education, outreach, and other measures designed to increase
25 participation in the demonstration project and through the
26 increased participation achieve the caseload and cost-savings
27 estimates stated in the waiver application.

1 (b) The commission, in complying with Subsection (a), may
2 not take any action to decrease the level of programs and services
3 designed to reduce the number of unintended pregnancies and lower
4 the rates of sexually transmitted diseases to below the level of
5 programs and services provided on September 1, 2011.

6 (c) This section expires December 31, 2013.

7 SECTION 3. HUMAN SEXUALITY INSTRUCTION. Section 28.004,
8 Education Code, is amended by amending Subsections (e) and (i) and
9 adding Subsection (n) to read as follows:

10 (e) Any course materials and instruction relating to human
11 sexuality, sexually transmitted diseases, or human
12 immunodeficiency virus or acquired immune deficiency syndrome
13 shall be selected by the board of trustees with the advice of the
14 local school health advisory council and must:

15 (1) be evidence-based;

16 (2) present abstinence from sexual activity as the
17 preferred choice of behavior in relationship to all sexual activity
18 for unmarried persons of school age;

19 (3) [~~2~~] devote more attention to abstinence from
20 sexual activity than to any other behavior;

21 (4) [~~3~~] emphasize that abstinence from sexual
22 activity, if used consistently and correctly, is the only method
23 that is 100 percent effective in preventing pregnancy, sexually
24 transmitted diseases, infection with human immunodeficiency virus,
25 [~~or~~] acquired immune deficiency syndrome, and the emotional trauma
26 associated with adolescent sexual activity;

27 (5) [~~4~~] direct adolescents to a standard of behavior

1 in which abstinence from sexual activity before marriage is the
2 most effective way to prevent pregnancy, sexually transmitted
3 diseases, ~~[and]~~ infection with human immunodeficiency virus, and
4 ~~[or]~~ acquired immune deficiency syndrome; and

5 (6) ~~[(5)]~~ teach contraception and condom use in terms
6 of human use reality rates instead of theoretical laboratory rates,
7 if instruction on contraception and condoms is included in
8 curriculum content.

9 (i) Before each school year, a school district shall provide
10 written notice to a parent of each student enrolled in the district
11 of the board of trustees' decision regarding whether the district
12 will provide human sexuality instruction to district students. If
13 instruction will be provided, the notice must include:

14 (1) a summary of the basic content of the district's
15 human sexuality instruction to be provided to the student,
16 including a statement informing the parent that the instruction is
17 required by ~~[of the instructional requirements under]~~ state law to:

18 (A) present abstinence from sexual activity as
19 the preferred choice of behavior in relationship to all sexual
20 activity for unmarried persons of school age; and

21 (B) devote more attention to abstinence from
22 sexual activity than to any other behavior;

23 (2) a statement of whether the instruction is
24 considered by the district to be abstinence-only instruction or
25 comprehensive instruction, including an explanation of the
26 difference between those types of instruction and a specific
27 statement regarding whether the student will receive information on

1 contraception and condom use;

2 (3) [~~(2)~~] a statement of the parent's right to:

3 (A) review curriculum materials as provided by
4 Subsection (j); and

5 (B) remove the student from any part of the
6 district's human sexuality instruction without subjecting the
7 student to any disciplinary action, academic penalty, or other
8 sanction imposed by the district or the student's school; and

9 (4) [~~(3)~~] information describing the opportunities
10 for parental involvement in the development of the curriculum to be
11 used in human sexuality instruction, including information
12 regarding the local school health advisory council established
13 under Subsection (a).

14 (n) In this section:

15 (1) "Abstinence-only instruction" means instruction
16 that does not include information about preventing pregnancy,
17 sexually transmitted diseases, infection with human
18 immunodeficiency virus, or acquired immune deficiency syndrome
19 through any means other than total abstinence from sexual activity.

20 (2) "Evidence-based" means information verified or
21 supported by research that is:

22 (A) conducted in compliance with accepted
23 scientific methods;

24 (B) published in peer-reviewed journals, if
25 appropriate;

26 (C) recognized as medically accurate, objective,
27 and complete by mainstream professional organizations and agencies

1 with expertise in the relevant field, including the federal Centers
2 for Disease Control and Prevention and the United States Department
3 of Health and Human Services; and

4 (D) proven through rigorous, scientific
5 evaluation to achieve positive outcomes on measures of sexual risk
6 behavior or its health consequences.

7 SECTION 4. WAIVER. If before implementing any provision of
8 this Act a state agency determines that a waiver or authorization
9 from a federal agency is necessary for implementation of that
10 provision, the agency affected by the provision shall request the
11 waiver or authorization and may delay implementing that provision
12 until the waiver or authorization is granted.

13 SECTION 5. EFFECTIVE DATE. This Act takes effect September
14 1, 2011.