

By: Smith of Tarrant

H.C.R. No. 25

CONCURRENT RESOLUTION

1 WHEREAS, Among the four federal programs that provide funds
2 for family planning services in Texas, those operating under Title
3 X of the Public Health Service Act and Medicaid require family
4 planning facilities to provide confidential contraceptive services
5 to anyone who seeks them, regardless of age, in exchange for
6 receiving money from the federal government; and

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

17 WHEREAS, In 1972, Medicaid funding for family planning was
18 authorized to cover health care services for low-income women
19 through a cooperative federal-state program; in Texas, any provider
20 receiving Title X funds from the state must also provide services to
21 Medicaid-eligible clients, and, in accepting federal matching
22 funds for the Medicaid program, the state cannot require minors to
23 obtain parental consent before receiving family planning services,
24 including contraceptives; and

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

13 RESOLVED, That the 82nd Legislature of the State of Texas
14 hereby respectfully urge the Congress of the United States to
15 remove confidentiality mandates for minors from family planning
16 services programs operating under Title X of the Public Health
17 Service Act and Medicaid; and, be it further

18 RESOLVED, That the Texas secretary of state forward official
19 copies of this resolution to the president of the United States, to
20 the president of the Senate and the speaker of the House of
21 Representatives of the United States Congress, and to all the
22 members of the Texas delegation to Congress with the request that
23 this resolution be entered in the Congressional Record as a
24 memorial to the Congress of the United States of America.