

By: Dukes

H.B. No. 446

A BILL TO BE ENTITLED

AN ACT

relating to information about fetal alcohol syndrome to be provided to pregnant patients.

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

SECTION 1. Chapter 161, Health and Safety Code, is amended by adding Subchapter V to read as follows:

SUBCHAPTER V. INFORMATION FOR PREGNANT PATIENTS

Sec. 161.601. DEFINITIONS. In this subchapter:

(1) "Department" means the Department of State Health Services.

(2) "Health care provider" means:

(A) a physician licensed to practice medicine in this state;

(B) a physician assistant licensed under Chapter 204, Occupations Code;

(C) a midwife licensed under Chapter 203, Occupations Code;

(D) an advanced practice nurse as defined by Section 301.152, Occupations Code;

(E) a hospital licensed under Chapter 241; or

(F) a birthing center licensed under Chapter 244.

Sec. 161.602. INFORMATIONAL PAMPHLET PROVIDED TO PREGNANT PATIENT. (a) A health care provider that provides care to a pregnant patient shall, during the patient's first visit with the

1 provider:

2 (1) counsel the patient about the risks of drinking  
3 alcohol while pregnant, including fetal alcohol syndrome;

4 (2) provide the patient with an informational pamphlet  
5 that includes information about the risks of drinking alcohol while  
6 pregnant, including fetal alcohol syndrome;

7 (3) document in the patient's medical record that the  
8 provider complied with Subdivisions (1) and (2), and have the  
9 patient sign an acknowledgment that the patient was counseled and  
10 received the informational pamphlet; and

11 (4) retain the documentation in the provider's records  
12 for at least five years.

13 (b) A health care provider may use the informational  
14 pamphlet provided on the department's Internet website or an  
15 alternative pamphlet that provides the information required by  
16 Subsection (a).

17 Sec. 161.603. DUTIES OF DEPARTMENT. (a) The department  
18 shall:

19 (1) establish guidelines for the provision of the  
20 information required by Section 161.602;

21 (2) make available on the department's Internet  
22 website a printable version of the informational pamphlet required  
23 by Section 161.602(a); and

24 (3) make the informational pamphlet required by  
25 Section 161.602 available for distribution to health care  
26 providers.

27 (b) The department may make available online and distribute

1 an existing publication created by the department or another health  
2 and human services agency as the informational pamphlet required by  
3 Section 161.602.

4 Sec. 161.604. LIABILITY NOT CREATED. This subchapter does  
5 not create civil or criminal liability.

6 SECTION 2. Not later than October 1, 2013, the Department of  
7 State Health Services shall make available the informational  
8 pamphlet required by Subchapter V, Chapter 161, Health and Safety  
9 Code, as added by this Act.

10 SECTION 3. Notwithstanding Subchapter V, Chapter 161,  
11 Health and Safety Code, as added by this Act, a health care provider  
12 is not required to comply with the requirements of Section 161.602,  
13 Health and Safety Code, as added by this Act, before January 1,  
14 2014.

15 SECTION 4. This Act takes effect immediately if it receives  
16 a vote of two-thirds of all the members elected to each house, as  
17 provided by Section 39, Article III, Texas Constitution. If this  
18 Act does not receive the vote necessary for immediate effect, this  
19 Act takes effect September 1, 2013.