

By: Rose, Zerwas, Sheffield of Coryell

H.B. No. 1340

A BILL TO BE ENTITLED

AN ACT

relating to consent to the immunization of certain children.

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

SECTION 1. Subchapter B, Chapter 32, Family Code, is amended by adding Section 32.1011 to read as follows:

Sec. 32.1011. CONSENT TO IMMUNIZATION BY CHILD. (a)
Notwithstanding Section 32.001, 32.003, or 32.101, a child may consent to the child's own immunization if:

(1) the child is 14 years of age or older and is committed to the Texas Juvenile Justice Department under Title 3;

(2) the health care provider administering the immunization has on file a valid consent form for the medical treatment of the child completed by a parent, managing conservator, or guardian of the child or other person who, under the law of another state or a court order, may consent for the child or a person authorized to consent to the treatment under Section 32.001; and

(3) the health care provider administering the immunization has made a reasonable attempt to contact the person who completed the consent form described by Subdivision (2) and was unable to contact that person for consent to the immunization.

(b) Notwithstanding Subsection (a), a provider may not administer an immunization to a child under this section if the provider has actual knowledge that a parent, managing conservator,

1 or guardian of the child or other person who, under the law of
2 another state or a court order, may consent for the child has
3 expressly refused to give consent to the immunization.

4 (c) A child who consents to immunization under this section
5 shall provide the health care provider with sufficient and accurate
6 health history and other information for the child and, if
7 necessary, sufficient and accurate health history and information
8 about the child's family to enable the child and the health care
9 provider to determine adequately the risks and benefits inherent in
10 the proposed immunization and to determine whether immunization is
11 advisable.

12 (d) Consent to immunization under this section must meet the
13 requirements of Section 32.002(a).

14 (e) Consent by a child to immunization under this section is
15 not subject to disaffirmance because of minority.

16 (f) A health care provider or facility is not liable for the
17 immunization of a child under this section except for the
18 provider's or the facility's own acts of negligence.

19 (g) To the extent of any conflict between this section and
20 Section 32.003, this section controls.

21 SECTION 2. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2013.