

By: Rose

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

(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.

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

(c) A child who consents to immunization under this section shall provide the health care provider with sufficient and accurate health history and other information for the child and, if

1 necessary, sufficient and accurate health history and information
2 about the child's family to enable the child and the health care
3 provider to determine adequately the risks and benefits inherent in
4 the proposed immunization and to determine whether immunization is
5 advisable.

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

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

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

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

15 SECTION 2. 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.