

## **BILL ANALYSIS**

C.S.H.B. 2429  
By: Vo  
Juvenile Justice & Family Issues  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

There is concern that inconsistent provisions of law authorizing certain people to consent to immunizations and basic medical treatments for a child create confusion for parents, guardians, and doctors and that lack of clarity regarding the authority to make these medical decisions for a child if a parent is unable to consent could prevent the child from receiving appropriate medical care, even if the child is with a stepparent or primary caregiver. C.S.H.B. 2429 seeks to address this confusion.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 2429 amends the Family Code to include among the persons authorized to consent as a non-parent to the medical, dental, psychological, and surgical treatment of a child a stepparent of the child and an adult who has actual care, control, and possession of the child as the child's primary caregiver. The bill specifies that a parent, managing conservator, guardian, or other person who, under the law of another state or a court order, is authorized to consent for the child is authorized to give written authorization to consent to the medical, dental, psychological, and surgical treatment of the child to an adult who has actual care, control, and possession of the child or an educational institution in which the child is enrolled. The bill extends immunity from liability for damages resulting from the examination or treatment of a child currently granted to an adult who has actual care, control, and possession of a child under the jurisdiction of a juvenile court or committed by a juvenile court to the care of an agency of the state or county and to a peace officer who has lawfully taken custody of a child to any non-parent statutorily authorized to consent to the medical, dental, psychological, and surgical treatment of the child.

C.S.H.B. 2429 specifies that a person who may consent to medical, dental, psychological, and surgical treatment of a child as a non-parent, other than a peace officer who has lawfully taken custody of the child, is authorized to consent to the immunization of a child under certain circumstances.

### **EFFECTIVE DATE**

September 1, 2015.

## COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2429 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

### INTRODUCED

SECTION 1. Sections 32.001(a), (b), and (d), Family Code, are amended.

SECTION 2. Section 32.002(b), Family Code, is amended to read as follows:

(b) The consent must include:

- (1) the name of the child;
- (2) the name of one or both parents, if known, and the name of any managing conservator or guardian of the child; and
- (3) the name of the person giving consent and the person's relationship to the child[;
- ~~[(4) a statement of the nature of the medical treatment to be given; and~~
- ~~[(5) the date the treatment is to begin].~~

SECTION 3. Section 32.003(a), Family Code, is amended to read as follows:

(a) A child may consent to medical, dental, psychological, and surgical treatment for the child by a licensed physician or dentist if the child:

(1) is on active duty with the armed services of the United States of America;

(2) is[;

~~[(A)]~~ 16 years of age or older and resides separate and apart from the child's parents, managing conservator, or guardian, with or without the consent of the parents, managing conservator, or guardian and regardless of the duration of the residence;

~~[and~~  
~~[(B) managing the child's own financial affairs, regardless of the source of the income;]~~

(3) consents to the diagnosis and treatment of an infectious, contagious, or communicable disease that is required by law or a rule to be reported by the licensed physician or dentist to a local health officer or the ~~[Texas]~~ Department of State Health Services, including all diseases within the scope of Section 81.041, Health and Safety Code;

(4) is unmarried and pregnant and consents to hospital, medical, or surgical treatment, other than abortion, related to the

### HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Same as introduced version.

No equivalent provision.

SECTION 2. Section 32.003(a), Family Code, is amended to read as follows:

(a) A child may consent to medical, dental, psychological, and surgical treatment for the child by a licensed physician or dentist if the child:

(1) is on active duty with the armed services of the United States of America;

(2) is:

(A) 16 years of age or older and resides separate and apart from the child's parents, managing conservator, or guardian, with or without the consent of the parents, managing conservator, or guardian and regardless of the duration of the residence; and

(B) managing the child's own financial affairs, regardless of the source of the income;

(3) consents to the diagnosis and treatment of an infectious, contagious, or communicable disease that is required by law or a rule to be reported by the licensed physician or dentist to a local health officer or the ~~[Texas]~~ Department of State Health Services, including all diseases within the scope of Section 81.041, Health and Safety Code;

(4) is unmarried and pregnant and consents to hospital, medical, or surgical treatment, other than abortion, related to the

pregnancy;

(5) consents to examination and treatment for drug or chemical addiction, drug or chemical dependency, or any other condition directly related to drug or chemical use; or

(6) ~~is unmarried, is the parent of a child, and has actual custody of his or her child and consents to medical, dental, psychological, or surgical treatment for the child; or~~

~~[(7)]~~ is serving a term of confinement in a facility operated by or under contract with the Texas Department of Criminal Justice, unless the treatment would constitute a prohibited practice under Section 164.052(a)(19), Occupations Code.

SECTION 4. Sections 32.101(b) and (d), Family Code, are amended.

SECTION 5. This Act takes effect September 1, 2015.

pregnancy;

(5) consents to examination and treatment for drug or chemical addiction, drug or chemical dependency, or any other condition directly related to drug or chemical use;

(6) is unmarried, is the parent of a child, and has actual custody of his or her child and consents to medical, dental, psychological, or surgical treatment for the child; or

(7) is serving a term of confinement in a facility operated by or under contract with the Texas Department of Criminal Justice, unless the treatment would constitute a prohibited practice under Section 164.052(a)(19), Occupations Code.

SECTION 3. Same as introduced version.

SECTION 4. Same as introduced version.