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et al.

H.B. No. 3374

A BILL TO BE ENTITLED

AN ACT

relating to information regarding Down syndrome.

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

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

SUBCHAPTER W. INFORMATION REGARDING DOWN SYNDROME

Sec. 161.651. DEFINITIONS. In this subchapter:

(1) "Down syndrome" means a chromosomal condition
caused by the presence of an extra whole or partial copy of
chromosome 21.

(2) "Health care provider" has the meaning assigned by
Section 34.001 and includes a genetic counselor.

Sec. 161.652. INFORMATION REGARDING DOWN SYNDROME. (a)
The department shall make available information regarding Down
syndrome that includes:

(1) information addressing physical, developmental,
educational, and psychosocial outcomes, life expectancy, clinical
course, and intellectual and functional development for
individuals with Down syndrome;

(2) information regarding available treatment options
for individuals with Down syndrome;

(3) contact information for national and local Down
syndrome education and support programs, services, and
organizations, including organizations in Houston, Dallas, San

1 Antonio, and Austin, and information hotlines, resource centers,
2 and clearinghouses; and

3 (4) any other information required by the department.

4 (b) The information described by Subsection (a) must be:

5 (1) current, evidence-based information that:

6 (A) has been reviewed by medical experts and
7 local Down syndrome organizations; and

8 (B) does not explicitly or implicitly present
9 pregnancy termination as an option when a prenatal test indicates
10 that the unborn child has Down syndrome; and

11 (2) published in English and Spanish.

12 (c) The department shall make the information described by
13 Subsection (a) available on the department's Internet website in a
14 format that may be easily printed. The department may provide the
15 information described by Subsection (a) in writing to health care
16 providers if the department determines that providing written
17 information is cost-effective.

18 Sec. 161.653. DUTY OF HEALTH CARE PROVIDER. (a) A health
19 care provider who administers or causes to be administered a test
20 for Down syndrome or who initially diagnoses a child with Down
21 syndrome shall provide the information described by Section 161.652
22 to:

23 (1) expectant parents who receive a prenatal test
24 result indicating a probability or diagnosis that the unborn child
25 has Down syndrome; or

26 (2) a parent of a child who receives:

27 (A) a test result indicating a probability or

1 diagnosis that the child has Down syndrome; or

2 (B) a diagnosis of Down syndrome.

3 (b) In addition to providing the information described by
4 Subsection (a), a health care provider may provide additional
5 information about Down syndrome that is current and evidence-based
6 and has been reviewed by medical experts and national Down syndrome
7 organizations.

8 (c) Notwithstanding any other law, this section does not
9 impose a standard of care or create an obligation or duty that
10 provides a basis for a cause of action against a health care
11 provider. A health care provider may not be held civilly or
12 criminally liable for failing to provide information as required by
13 Subsection (a).

14 SECTION 2. This Act takes effect September 1, 2015.