

1-1 By: Morrison, et al. (Senate Sponsor - Lucio) H.B. No. 3374
 1-2 (In the Senate - Received from the House May 18, 2015;
 1-3 May 18, 2015, read first time and referred to Committee on Health
 1-4 and Human Services; May 22, 2015, reported favorably by the
 1-5 following vote: Yeas 9, Nays 0; May 22, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to information regarding Down syndrome.
 1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-21 SECTION 1. Chapter 161, Health and Safety Code, is amended
 1-22 by adding Subchapter W to read as follows:
 1-23 SUBCHAPTER W. INFORMATION REGARDING DOWN SYNDROME
 1-24 Sec. 161.651. DEFINITIONS. In this subchapter:
 1-25 (1) "Down syndrome" means a chromosomal condition
 1-26 caused by the presence of an extra whole or partial copy of
 1-27 chromosome 21.
 1-28 (2) "Health care provider" has the meaning assigned by
 1-29 Section 34.001 and includes a genetic counselor.
 1-30 Sec. 161.652. INFORMATION REGARDING DOWN SYNDROME. (a)
 1-31 The department shall make available information regarding Down
 1-32 syndrome that includes:
 1-33 (1) information addressing physical, developmental,
 1-34 educational, and psychosocial outcomes, life expectancy, clinical
 1-35 course, and intellectual and functional development for
 1-36 individuals with Down syndrome;
 1-37 (2) information regarding available treatment options
 1-38 for individuals with Down syndrome;
 1-39 (3) contact information for national and local Down
 1-40 syndrome education and support programs, services, and
 1-41 organizations, including organizations in Houston, Dallas, San
 1-42 Antonio, and Austin, and information hotlines, resource centers,
 1-43 and clearinghouses; and
 1-44 (4) any other information required by the department.
 1-45 (b) The information described by Subsection (a) must be:
 1-46 (1) current, evidence-based information that:
 1-47 (A) has been reviewed by medical experts and
 1-48 local Down syndrome organizations; and
 1-49 (B) does not explicitly or implicitly present
 1-50 pregnancy termination as an option when a prenatal test indicates
 1-51 that the unborn child has Down syndrome; and
 1-52 (2) published in English and Spanish.
 1-53 (c) The department shall make the information described by
 1-54 Subsection (a) available on the department's Internet website in a
 1-55 format that may be easily printed. The department may provide the
 1-56 information described by Subsection (a) in writing to health care
 1-57 providers if the department determines that providing written
 1-58 information is cost-effective.
 1-59 Sec. 161.653. DUTY OF HEALTH CARE PROVIDER. (a) A health
 1-60 care provider who administers or causes to be administered a test
 1-61 for Down syndrome or who initially diagnoses a child with Down

2-1 syndrome shall provide the information described by Section 161.652
2-2 to:

2-3 (1) expectant parents who receive a prenatal test
2-4 result indicating a probability or diagnosis that the unborn child
2-5 has Down syndrome; or

2-6 (2) a parent of a child who receives:

2-7 (A) a test result indicating a probability or
2-8 diagnosis that the child has Down syndrome; or

2-9 (B) a diagnosis of Down syndrome.

2-10 (b) In addition to providing the information described by
2-11 Subsection (a), a health care provider may provide additional
2-12 information about Down syndrome that is current and evidence-based
2-13 and has been reviewed by medical experts and national Down syndrome
2-14 organizations.

2-15 (c) Notwithstanding any other law, this section does not
2-16 impose a standard of care or create an obligation or duty that
2-17 provides a basis for a cause of action against a health care
2-18 provider. A health care provider may not be held civilly or
2-19 criminally liable for failing to provide information as required by
2-20 Subsection (a).

2-21 SECTION 2. This Act takes effect September 1, 2015.

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