

A BILL TO BE ENTITLED

AN ACT

relating to fetal alcohol syndrome information provided to pregnant patients.

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

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

SUBCHAPTER X. INFORMATION FOR PREGNANT PATIENTS

Sec. 161.701. DEFINITIONS. In this subchapter:

(1) "Department" means the Department of State Health Services.

(2) "Health care provider" means:

(A) a physician licensed to practice medicine in this state;

(B) a physician assistant licensed under Chapter 204, Occupations Code;

(C) a midwife licensed under Chapter 203, Occupations Code;

(D) an advanced practice nurse as defined by Section 301.152, Occupations Code;

(E) a hospital licensed under Chapter 241; or

(F) a birthing center licensed under Chapter 244.

(3) "Medically accurate information" means information that is:

(A) verified or supported by the weight of

1 research conducted in compliance with accepted scientific methods;
2 (B) published in peer reviewed journals, if
3 appropriate; and

4 (C) recognized as accurate, objective, and
5 complete by mainstream professional organizations and agencies
6 with expertise in the relevant field, including:

7 (i) the Centers for Disease Control and
8 Prevention of the United States Public Health Service;

9 (ii) the American College of Obstetricians
10 and Gynecologists;

11 (iii) the American Academy of Pediatrics;
12 and

13 (iv) the surgeon general of the United
14 States Department of Health and Human Services.

15 Sec. 161.702. INFORMATIONAL MATERIAL PROVIDED TO PREGNANT
16 PATIENT. (a) A health care provider that provides care to a
17 pregnant patient shall, during the patient's first visit with the
18 provider concerning the pregnancy, make available to the patient
19 informational material that includes medically accurate
20 information about the risks of drinking alcohol while pregnant,
21 including fetal alcohol syndrome.

22 (b) A health care provider may use the informational
23 material provided on the department's Internet website or
24 alternative informational material that provides the information
25 required by Subsection (a).

26 Sec. 161.703. DUTIES OF DEPARTMENT. (a) The department
27 shall:

1 (1) establish guidelines for the provision of the
2 information required by Section 161.702;

3 (2) make available on the department's Internet
4 website a printable version of the medically accurate informational
5 material required by Section 161.702(a); and

6 (3) make the informational material required by
7 Section 161.702 available for distribution to health care
8 providers, including at the request of a provider.

9 (b) The department may make available online and distribute
10 an existing medically accurate publication created by the
11 department or another health and human services agency as the
12 informational material required by Section 161.702.

13 Sec. 161.704. LIABILITY NOT CREATED. This subchapter does
14 not create an obligation or duty that provides a basis for a cause
15 of action against a health care provider. A health care provider is
16 immune from administrative, civil, or criminal liability with
17 respect to an action taken or not taken under this subchapter.

18 SECTION 2. Not later than October 1, 2015, the Department of
19 State Health Services shall make available the informational
20 material required by Subchapter X, Chapter 161, Health and Safety
21 Code, as added by this Act.

22 SECTION 3. Notwithstanding Subchapter X, Chapter 161,
23 Health and Safety Code, as added by this Act, a health care provider
24 is not required to comply with the requirements of Section 161.702,
25 Health and Safety Code, as added by this Act, before January 1,
26 2016.

27 SECTION 4. This Act takes effect immediately if it receives

H.B. No. 3954

1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2015.