

By: Garcia

S.B. No. 707

A BILL TO BE ENTITLED

AN ACT

relating to access to certain preventive health and family planning services.

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

SECTION 1. 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

1 81.041, Health and Safety Code;

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

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

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

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

15 (8) is the mother of a child and consents to
16 examination or medical treatment, other than abortion, related to
17 family planning.

18 SECTION 2. Subtitle B, Title 2, Health and Safety Code, is
19 amended by adding Chapter 49 to read as follows:

20 CHAPTER 49. ACCESS TO FAMILY PLANNING

21 Sec. 49.001. AGE OF ELIGIBILITY. A minor who does not meet
22 the age requirement for eligibility for a program administered by
23 this state that provides family planning services is entitled to
24 receive family planning services from that program if the minor:

25 (1) meets all other eligibility criteria for that
26 program; and

27 (2) is the mother of a child.

1 Sec. 49.002. CONSENT. (a) A minor described by Section
2 49.001 may consent to family planning services provided by a
3 program administered by this state.

4 (b) A state program providing family planning services may
5 not require the consent of the minor's parent or guardian as a
6 condition for providing family planning services to a minor
7 described by Section 49.001.

8 SECTION 3. Subchapter B, Chapter 32, Human Resources Code,
9 is amended by adding Section 32.0249 to read as follows:

10 Sec. 32.0249. AUTOMATIC ENROLLMENT OF CERTAIN WOMEN IN
11 TEXAS WOMEN'S HEALTH PROGRAM. (a) In this section:

12 (1) "Commission" means the Health and Human Services
13 Commission.

14 (2) "Department" means the Department of State Health
15 Services.

16 (3) "Executive commissioner" means the executive
17 commissioner of the Health and Human Services Commission.

18 (4) "Texas women's health program" means a program
19 operated by the department or the commission that is substantially
20 similar to the demonstration project operated by the department
21 under former Section 32.0248 and that is intended to expand access
22 to preventive health and family planning services for women in this
23 state.

24 (b) The department or the commission, as applicable, shall
25 automatically enroll a woman in the Texas women's health program
26 following a pregnancy for which the woman received benefits through
27 the medical assistance program if she:

1 (1) is younger than 20 years of age; and

2 (2) is no longer eligible to participate in the
3 medical assistance program.

4 (c) Notwithstanding any other law, a woman younger than 18
5 years of age who is enrolled in the Texas women's health program
6 under Subsection (b) may consent to family planning services
7 provided through the Texas women's health program, and a provider
8 under the Texas women's health program may not require the consent
9 of the woman's parent or guardian as a condition for providing
10 family planning services to the woman.

11 (d) To the extent possible, the department or the
12 commission, as applicable, shall modify applicable administrative
13 procedures to ensure that a woman described by Subsection (b)
14 maintains continuous eligibility for any services provided by both
15 the medical assistance program and the Texas women's health program
16 during the transition from participation in the medical assistance
17 program to participation in the Texas women's health program.

18 (e) The executive commissioner shall adopt rules necessary
19 to implement this section.

20 SECTION 4. If before implementing any provision of this Act
21 a state agency determines that a waiver or authorization from a
22 federal agency is necessary for implementation of that provision,
23 the agency affected by the provision shall request the waiver or
24 authorization and may delay implementing that provision until the
25 waiver or authorization is granted.

26 SECTION 5. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2015.