

By: Kolkhorst, et al.  
(Zerwas)

S.B. No. 791

Substitute the following for S.B. No. 791:

By: Crownover

C.S.S.B. No. 791

A BILL TO BE ENTITLED

AN ACT

relating to education about congenital cytomegalovirus in infants.

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

SECTION 1. This Act shall be known as the Madeline Leigh  
Armstrong Act.

SECTION 2. Subtitle B, Title 2, Health and Safety Code, is  
amended by adding Chapter 46 to read as follows:

CHAPTER 46. CONGENITAL CYTOMEGALOVIRUS

Sec. 46.001. DEFINITION. In this chapter, "congenital  
cytomegalovirus" means cytomegalovirus acquired by an infant  
before birth.

Sec. 46.002. EDUCATIONAL MATERIALS ON CONGENITAL  
CYTOMEGALOVIRUS. (a) The department, in consultation with the  
Texas Medical Board, shall develop and publish informational  
materials for women who may become pregnant, expectant parents, and  
parents of infants regarding:

(1) the incidence of cytomegalovirus;  
(2) the transmission of cytomegalovirus to pregnant  
women and women who may become pregnant;

(3) birth defects caused by congenital  
cytomegalovirus;

(4) available preventive measures to avoid the  
infection of women who are pregnant or may become pregnant; and

(5) resources available for families of children born

1 with congenital cytomegalovirus.

2 (b) The materials must be published in:

3 (1) English and Spanish;

4 (2) an easily comprehensible form; and

5 (3) a typeface large enough to be clearly legible.

6 (c) The department shall periodically review the materials  
7 to determine if changes to the contents of the materials are  
8 necessary.

9 Sec. 46.003. PUBLICATION OF MATERIALS. (a) The department  
10 shall publish the information required to be published under this  
11 chapter on the department's Internet website.

12 (b) The department may not charge a fee for physical copies  
13 of the materials. The department shall provide appropriate  
14 quantities of the materials to any person on request.

15 Sec. 46.004. EDUCATION AND OUTREACH. (a) The department  
16 shall establish an outreach program to:

17 (1) educate women who may become pregnant, expectant  
18 parents, and parents of infants about cytomegalovirus; and

19 (2) raise awareness of cytomegalovirus among health  
20 care providers who provide care to expectant mothers or infants.

21 (b) The department may solicit and accept the assistance of  
22 any relevant medical associations or community resources,  
23 including faith-based resources, to promote education about  
24 cytomegalovirus under this chapter.

25 Sec. 46.005. RULES. The executive commissioner may adopt  
26 rules for the implementation of this chapter.

27 SECTION 3. Section [161.501\(a\)](#), Health and Safety Code, as

1 amended by S.B. No. 219, Acts of the 84th Legislature, Regular  
2 Session, 2015, is amended to read as follows:

3 (a) A hospital, birthing center, physician, nurse midwife,  
4 or midwife who provides prenatal care to a pregnant woman during  
5 gestation or at delivery of an infant shall:

6 (1) provide the woman and the father of the infant, if  
7 possible, or another adult caregiver for the infant, with a  
8 resource pamphlet that includes:

9 (A) a list of the names, addresses, and phone  
10 numbers of professional organizations that provide postpartum  
11 counseling and assistance to parents relating to postpartum  
12 depression and other emotional trauma associated with pregnancy and  
13 parenting;

14 (B) information regarding the prevention of  
15 shaken baby syndrome including:

16 (i) techniques for coping with anger caused  
17 by a crying baby;

18 (ii) different methods for preventing a  
19 person from shaking a newborn, infant, or other young child;

20 (iii) the dangerous effects of shaking a  
21 newborn, infant, or other young child; and

22 (iv) the symptoms of shaken baby syndrome  
23 and who to contact, as recommended by the American Academy of  
24 Pediatrics, if a parent suspects or knows that a baby has been  
25 shaken in order to receive prompt medical treatment;

26 (C) a list of diseases for which a child is  
27 required by state law to be immunized and the appropriate schedule

for the administration of those immunizations;

(D) the appropriate schedule for follow-up procedures for newborn screening;

(E) information regarding sudden infant death syndrome, including current recommendations for infant sleeping conditions to lower the risk of sudden infant death syndrome; and

(F) educational information in both English and Spanish on:

(i) pertussis disease and the availability of a vaccine to protect against pertussis, including information on the Centers for Disease Control and Prevention recommendation that parents receive Tdap during the postpartum period to protect newborns from the transmission of pertussis; and

(ii) the incidence of cytomegalovirus, birth defects caused by congenital cytomegalovirus, and available resources for the family of an infant born with congenital cytomegalovirus;

(2) if the woman is a recipient of medical assistance under Chapter 32, Human Resources Code, provide the woman and the father of the infant, if possible, or another adult caregiver with a resource guide that includes information in both English and Spanish relating to the development, health, and safety of a child from birth until age five, including information relating to:

(A) selecting and interacting with a primary health care practitioner and establishing a "medical home" for the child;

(B) dental care;

- (C) effective parenting;
- (D) child safety;
- (E) the importance of reading to a child;
- (F) expected developmental milestones;
- (G) health care resources available in the state;
- (H) selecting appropriate child care; and
- (I) other resources available in the state;

(3) document in the woman's record that the woman received the resource pamphlet described in Subdivision (1) and the resource guide described in Subdivision (2), if applicable; and

(4) retain the documentation for at least five years in the hospital's, birthing center's, physician's, nurse midwife's, or midwife's records.

SECTION 4. (a) The Department of State Health Services shall develop and publish the materials required by Chapter 46, Health and Safety Code, as added by this Act, not later than January 1, 2016.

(b) The Department of State Health Services shall revise the pamphlet under Section [161.501\(a\)](#), Health and Safety Code, as amended by this Act, not later than January 1, 2016.

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