

By: Dukes

H.B. No. 4076

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) "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.

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

(A) verified or supported by the weight of research conducted in compliance with accepted scientific methods;

(B) published in peer-reviewed journals, if

appropriate; and

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

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

(ii) the American College of Obstetricians and Gynecologists;

(iii) the American Academy of Pediatrics;

and

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

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

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

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

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

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

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

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

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

16           SECTION 2. Not later than October 1, 2017, the Department of  
17 State Health Services shall make available the informational  
18 material required by Subchapter X, Chapter 161, Health and Safety  
19 Code, as added by this Act.

20           SECTION 3. Notwithstanding Subchapter X, Chapter 161,  
21 Health and Safety Code, as added by this Act, a health care provider  
22 is not required to comply with the requirements of Section 161.702,  
23 Health and Safety Code, as added by this Act, before January 1,  
24 2018.

25           SECTION 4. This Act takes effect immediately if it receives  
26 a vote of two-thirds of all the members elected to each house, as  
27 provided by Section 39, Article III, Texas Constitution. If this

H.B. No. 4076

1 Act does not receive the vote necessary for immediate effect, this  
2 Act takes effect September 1, 2017.