

By: Burton, Hughes

S.B. No. 1081

A BILL TO BE ENTITLED

AN ACT

relating to the administration of prophylaxis to prevent ophthalmia neonatorum.

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

SECTION 1. Section 81.091, Health and Safety Code, is amended by amending Subsection (g) and adding Subsection (g-1) to read as follows:

(g) Except as provided by Subsection (g-1), a [A] person commits an offense if the person is a physician or other person in attendance on a pregnant woman either during pregnancy or at delivery and fails to perform a duty required by this section. An offense under this section is a Class B misdemeanor.

(g-1) A physician, nurse, midwife, or other person in attendance at childbirth who is unable to apply the prophylaxis as required by this section due to the objection of a parent, managing conservator, or guardian of the newborn infant does not commit an offense under this section and is not subject to criminal, civil, or administrative liability or any professional disciplinary action for failure to administer the prophylaxis. The physician, nurse, midwife, or person shall ensure that the objection of the parent, managing conservator, or guardian is entered into the medical record of the infant.

SECTION 2. This Act takes effect September 1, 2017.