

By: Burton

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. The heading to Section 81.091, Health and Safety Code, is amended to read as follows:

Sec. 81.091. OPTHALMIA NEONATORUM PREVENTION[~~;~~ ~~CRIMINAL PENALTY~~].

SECTION 2. Section 81.091, Health and Safety Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) Except as provided by Subsection (a-1), a [A] physician, nurse, midwife, or other person in attendance at childbirth shall use or cause to be used prophylaxis approved by the executive commissioner to prevent ophthalmia neonatorum.

(a-1) Administration of prophylaxis is not required for an infant whose parent, managing conservator, or guardian does not consent to the administration of prophylaxis after a person described in Subsection (a):

(1) performs the screening assessment under Section 81.0911; and

(2) based on the results of the assessment, determines the prophylaxis is not required.

SECTION 3. Subchapter E, Chapter 81, Health and Safety

1 Code, is amended by adding Section 81.0911 to read as follows:

2 Sec. 81.0911. OPHTHALMIA NEONATORUM: PROPHYLAXIS
3 SCREENING. (a) The executive commissioner by rule shall adopt a
4 screening assessment to determine whether the administration of
5 prophylaxis to prevent ophthalmia neonatorum is required under
6 Section 81.091.

7 (b) The screening assessment must include an examination
8 of:

9 (1) whether the infant was delivered vaginally;

10 (2) whether the mother of the infant:

11 (A) recently tested positive for a sexually
12 transmitted infection known to cause ophthalmia neonatorum; or

13 (B) has a history of a sexually transmitted
14 infection or other disease known to cause ophthalmia neonatorum;
15 and

16 (3) other criteria determined necessary by the
17 executive commissioner.

18 SECTION 4. Section 81.091(g), Health and Safety Code, is
19 repealed.

20 SECTION 5. Not later than January 1, 2018, the executive
21 commissioner of the Health and Human Services Commission shall
22 adopt the screening assessment required by Section 81.0911, Health
23 and Safety Code, as added by this Act.

24 SECTION 6. The repeal by this Act of Section 81.091(g),
25 Health and Safety Code, does not apply to an offense committed
26 before the effective date of the repeal. An offense committed
27 before the effective date of the repeal is governed by the law as it

1 existed on the date the offense was committed, and the former law is
2 continued in effect for that purpose. For purposes of this section,
3 an offense was committed before the effective date of the repeal if
4 any element of the offense occurred before that date.

5 SECTION 7. This Act takes effect September 1, 2017.