

By: Garcia

S.B. No. 1161

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 the [~~his or her~~] child and consents to medical,  
10 dental, 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 50 to read as follows:

20 CHAPTER 50. ACCESS TO FAMILY PLANNING

21 Sec. 50.001. 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. 50.002. CONSENT. (a) A minor described by Section  
2 50.001 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 50.001.

8       SECTION 3. Subchapter B, Chapter 32, Human Resources Code,  
9 is amended by adding Section 32.02491 to read as follows:

10       Sec. 32.02491. AUTOMATIC ENROLLMENT OF CERTAIN WOMEN IN  
11 TEXAS WOMEN'S HEALTH PROGRAM. (a) In this section, "Texas women's  
12 health program" means a program operated by the commission that is  
13 substantially similar to the demonstration project operated by the  
14 Department of State Health Services under former Section 32.0248  
15 and that is intended to expand access to preventive health and  
16 family planning services for women in this state.

17       (b) The commission shall automatically enroll a woman in the  
18 Texas women's health program following a pregnancy for which the  
19 woman received benefits through the medical assistance program if  
20 she:

21               (1) is younger than 20 years of age; and  
22               (2) is no longer eligible to participate in the  
23 medical assistance program.

24       (c) Notwithstanding any other law, a woman younger than 18  
25 years of age who is enrolled in the Texas women's health program  
26 under Subsection (b) may consent to family planning services  
27 provided through the Texas women's health program, and a provider

1 under the Texas women's health program may not require the consent  
2 of the woman's parent or guardian as a condition for providing  
3 family planning services to the woman.

4 (d) To the extent possible, the commission shall modify  
5 applicable administrative procedures to ensure that a woman  
6 described by Subsection (b) maintains continuous eligibility for  
7 any services provided by both the medical assistance program and  
8 the Texas women's health program during the transition from  
9 participation in the medical assistance program to participation in  
10 the Texas women's health program.

11 (e) The executive commissioner shall adopt rules necessary  
12 to implement this section.

13 SECTION 4. If before implementing any provision of this Act  
14 a state agency determines that a waiver or authorization from a  
15 federal agency is necessary for implementation of that provision,  
16 the agency affected by the provision shall request the waiver or  
17 authorization and may delay implementing that provision until the  
18 waiver or authorization is granted.

19 SECTION 5. This Act takes effect immediately if it receives  
20 a vote of two-thirds of all the members elected to each house, as  
21 provided by Section 39, Article III, Texas Constitution. If this  
22 Act does not receive the vote necessary for immediate effect, this  
23 Act takes effect September 1, 2017.