86R20680 SRA-D

By:  Israel, Zerwas, Sheffield, Howard H.B. No. 900

Substitute the following for H.B. No. 900:

By:  Farrar C.S.H.B. No. 900

A BILL TO BE ENTITLED

AN ACT

relating to the act of smoking tobacco in a vehicle with a child present; authorizing an additional fine for certain criminal offenses.

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

SECTION 1.  Section 161.501(a), Health and Safety Code, is amended to read as follows:

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

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

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

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

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

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

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

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

(C)  a list of diseases for which a child is 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;

(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; [~~and~~]

(G)  the danger of heatstroke for a child left unattended in a motor vehicle; and

(H)  information that states a person is subject to a criminal fine under Section 542.4041, Transportation Code, for smoking tobacco in a passenger vehicle with a child present;

(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 2.  Subchapter D, Chapter 542, Transportation Code, is amended by adding Section 542.4041 to read as follows:

Sec. 542.4041.  OFFENSE WHILE SMOKING TOBACCO WITH CHILD PRESENT IN VEHICLE; FINE AUTHORIZED. In addition to the fine prescribed by Section 542.401 or another section of this subtitle, as applicable, a person who enters a plea of guilty or nolo contendere to or is convicted of an offense under this subtitle shall either, as prescribed by the judge, pay a $15 fine or complete a parenting class approved by the judge if the offense is committed while:

(1)  the person possesses a burning tobacco product or smokes tobacco in a vehicle; and

(2)  a child is present in the vehicle who is required to be secured in a child passenger safety seat system during the operation of the vehicle under Section 545.412.

SECTION 3.  (a) Not later than December 1, 2019, the Department of State Health Services shall make the informational materials required by Section 161.501(a)(1), Health and Safety Code, as amended by this Act, available on its Internet website.

(b)  Notwithstanding Section 161.501(a)(1)(H), Health and Safety Code, as added by this Act, a facility is not required to comply with that provision until January 1, 2020.

SECTION 4.  This Act takes effect September 1, 2019.