

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

1 AN ACT
2 relating to the act of smoking tobacco in a vehicle with a child
3 present; authorizing an additional fine for certain criminal
4 offenses.

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

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

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

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

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

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

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

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

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

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

7 (C) a list of diseases for which a child is
8 required by state law to be immunized and the appropriate schedule
9 for the administration of those immunizations;

10 (D) the appropriate schedule for follow-up
11 procedures for newborn screening;

12 (E) information regarding sudden infant death
13 syndrome, including current recommendations for infant sleeping
14 conditions to lower the risk of sudden infant death syndrome;

15 (F) educational information in both English and
16 Spanish on:

17 (i) pertussis disease and the availability
18 of a vaccine to protect against pertussis, including information on
19 the Centers for Disease Control and Prevention recommendation that
20 parents receive Tdap during the postpartum period to protect
21 newborns from the transmission of pertussis; and

22 (ii) the incidence of cytomegalovirus,
23 birth defects caused by congenital cytomegalovirus, and available
24 resources for the family of an infant born with congenital
25 cytomegalovirus; ~~and~~

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

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

4 (2) if the woman is a recipient of medical assistance
5 under Chapter 32, Human Resources Code, provide the woman and the
6 father of the infant, if possible, or another adult caregiver with a
7 resource guide that includes information in both English and
8 Spanish relating to the development, health, and safety of a child
9 from birth until age five, including information relating to:

10 (A) selecting and interacting with a primary
11 health care practitioner and establishing a "medical home" for the
12 child;

13 (B) dental care;

14 (C) effective parenting;

15 (D) child safety;

16 (E) the importance of reading to a child;

17 (F) expected developmental milestones;

18 (G) health care resources available in the state;

19 (H) selecting appropriate child care; and

20 (I) other resources available in the state;

21 (3) document in the woman's record that the woman
22 received the resource pamphlet described in Subdivision (1) and the
23 resource guide described in Subdivision (2), if applicable; and

24 (4) retain the documentation for at least five years
25 in the hospital's, birthing center's, physician's, nurse midwife's,
26 or midwife's records.

27 SECTION 2. Subchapter D, Chapter 542, Transportation Code,

1 is amended by adding Section 542.4041 to read as follows:

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

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

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

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

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

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