

AN ACT

relating to consent to the disclosure of certain information and to other matters relating to newborn and infant screening tests.

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

SECTION 1. Subchapter A, Chapter 33, Health and Safety Code, is amended by adding Section 33.005 to read as follows:

Sec. 33.005. CONSENT. (a) The department shall create a process to:

(1) permit the parent, managing conservator, or guardian of a newborn child to provide the consent required under this chapter through electronic means, including through audio or video recording;

(2) determine the manner of storing electronic consent records; and

(3) ensure the newborn child's attending physician has access to the electronic consent records for the child.

(b) A request for consent required by this chapter may be submitted to the parent, managing conservator, or guardian of a newborn child through written or electronic means, including through audio or visual recording.

(c) A birthing facility or person required to obtain consent under this chapter is not required to use the process created by the department under this section to obtain the consent.

SECTION 2. Section 33.0111, Health and Safety Code, is

1 amended by adding Subsection (b-1) and amending Subsection (c) to
2 read as follows:

3 (b-1) The department may provide the disclosure statement
4 required by Subsection (a) in various formats and languages to
5 ensure clear communication of information on the screening test
6 required under this chapter.

7 (c) At the time a newborn child is subjected to screening
8 tests under Section 33.011, the physician attending a newborn child
9 or the person attending the delivery of a newborn child that is not
10 attended by a physician shall provide the parent, managing
11 conservator, or guardian of a newborn child a copy of the written or
12 electronic disclosure statement developed by the department under
13 this section.

14 SECTION 3. Section 47.007(g), Health and Safety Code, is
15 amended to read as follows:

16 (g) The department shall ensure that the written or
17 electronic consent of a parent is obtained before any information
18 individually identifying the newborn or infant is released through
19 the information management, reporting, and tracking system.

20 SECTION 4. Section 47.008(c), Health and Safety Code, is
21 amended to read as follows:

22 (c) The executive commissioner by rule shall develop
23 guidelines to protect the confidentiality of patients in accordance
24 with Chapter 159, Occupations Code, and require the written or
25 electronic consent of a parent or guardian of a patient before any
26 individually identifying information is provided to the department
27 as set out in this chapter. The department shall permit a parent or

1 guardian at any time to withdraw information provided to the
2 department under this chapter.

3 SECTION 5. Chapter 47, Health and Safety Code, is amended by
4 adding Section 47.0085 to read as follows:

5 Sec. 47.0085. CONSENT. (a) The department shall create a
6 process to:

7 (1) permit the parent of a newborn or infant to provide
8 the consent required under this chapter through electronic means,
9 including through audio or video recording;

10 (2) determine the manner of storing electronic consent
11 records; and

12 (3) ensure the newborn's or infant's attending
13 physician has access to the electronic consent records for the
14 newborn or infant.

15 (b) A request for consent required by this chapter may be
16 submitted to the parent or guardian of a newborn or infant through
17 written or electronic means, including through audio or visual
18 recording.

19 (c) A birthing facility or person required to obtain consent
20 under this chapter is not required to use the process created by the
21 department under this section to obtain the consent.

22 SECTION 6. The Department of State Health Services is
23 required to implement a provision of this Act only if the
24 legislature appropriates money specifically for that purpose. If
25 the legislature does not appropriate money specifically for that
26 purpose, the department may, but is not required to, implement a
27 provision of this Act using other appropriations available for that

1 purpose.

2 SECTION 7. This Act takes effect September 1, 2019.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1404 passed the Senate on May 7, 2019, by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

I hereby certify that S.B. No. 1404 passed the House on May 22, 2019, by the following vote: Yeas 144, Nays 1, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor