

AN ACT

relating to newborn and infant screening tests.

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

SECTION 1. Subchapter B, Chapter 33, Health and Safety Code, is amended by adding Section 33.020 to read as follows:

Sec. 33.020. ANNUAL REPORT. (a) For each newborn screening test that screens for a disorder included in the list of core conditions described by Section 33.011(a-1) that is not required by the department, the department shall, not later than September 1 of each year, prepare and submit a written report to the governor, the lieutenant governor, the speaker of the house of representatives, and each standing committee of the legislature having primary jurisdiction over the department. The written report must:

(1) identify any additional program capacity or resources the department would need to:

(A) implement the additional newborn screening test; and

(B) require each newborn in the state to receive the additional newborn screening test; and

(2) summarize the plan for implementing and requiring the additional newborn screening test, including by identifying:

(A) any potential barriers to implementation; and

(B) the anticipated implementation date.

1 (b) As part of the plan described by Subsection (a)(2), the
2 report must include information on whether the department is
3 capable of implementing the required additional newborn screening
4 test within a 24-month period.

5 SECTION 2. Section 33.052, Health and Safety Code, is
6 amended by adding Subsection (a-1) to read as follows:

7 (a-1) The department may use money appropriated under
8 Subsection (a) to ensure that the laboratory established by the
9 department or a laboratory approved by the department under Section
10 33.016 is available seven days a week to perform screening tests
11 required by the department under Section 33.011.

12 SECTION 3. Chapter 47, Health and Safety Code, is amended by
13 adding Section 47.0032 to read as follows:

14 Sec. 47.0032. TESTING FOR CONGENITAL CYTOMEGALOVIRUS. (a)
15 In this section, "congenital cytomegalovirus" has the meaning
16 assigned by Section 46.001.

17 (b) If a newborn or infant does not pass the hearing
18 screening performed under Section 47.003, the program that
19 performed the screening shall perform or cause to be performed a
20 test for congenital cytomegalovirus on the newborn or infant unless
21 the newborn's or infant's parent declines the test.

22 (c) If the newborn or infant receives a positive test for
23 congenital cytomegalovirus, the entity that performed the test
24 shall provide the newborn's or infant's parents with:

- 25 (1) the results of the test;
26 (2) information on the potential effects of congenital
27 cytomegalovirus and the available treatment options; and

1 (3) a referral to an appropriate physician or facility
2 for the treatment of congenital cytomegalovirus.

3 SECTION 4. Section 33.054, Health and Safety Code, is
4 repealed.

5 SECTION 5. Section 47.0032, Health and Safety Code, as
6 added by this Act, applies only to a newborn or infant hearing
7 screening performed on or after the effective date of this Act.

8 SECTION 6. This Act takes effect September 1, 2023.

President of the Senate

Speaker of the House

I certify that H.B. No. 2478 was passed by the House on April 28, 2023, by the following vote: Yeas 148, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2478 was passed by the Senate on May 23, 2023, by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

APPROVED: _____

Date

Governor