

By: Johnson of Dallas

H.B. No. 4068

A BILL TO BE ENTITLED

AN ACT

relating to newborn testing for congenital cytomegalovirus.

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

SECTION 1. Chapter 47, Health and Safety Code, is amended by adding Section 47.0032 to read as follows:

Sec. 47.0032. NEWBORN TESTING FOR CONGENITAL CYTOMEGALOVIRUS. (a) In this section, "congenital cytomegalovirus" means human herpesvirus cytomegalovirus acquired by a newborn before birth.

(b) A birthing facility, through a program certified by the department under Section 47.004, shall perform, either directly as part of the newborn dried blood spot screening or through a referral to another program certified under that section, a test for congenital cytomegalovirus on each newborn before the newborn is discharged from the facility unless:

(1) the parents decline the test;  
(2) the newborn is transferred to another facility before the test is performed;

(3) the test has previously been completed; or  
(4) the newborn was discharged from the birthing facility not more than 10 hours after birth and a referral for the newborn was made to a program certified under Section 47.004 at another birthing facility or operated by a physician or other health care provider.

1        (c) The birthing facility shall inform the parents during  
2 admission that the facility is required by law to conduct a test for  
3 congenital cytomegalovirus and that the parents may decline the  
4 test.

5        (d) Subject to Section 47.008, the department shall  
6 maintain data and information on each newborn who receives a test  
7 under Subsection (b).

8        (e) The department shall ensure that the results of the test  
9 required by Subsection (b) are communicated to:

10            (1) the newborn's parents; and

11            (2) the newborn's designated physician or health care  
12 provider.

13        (f) If a newborn receives medical intervention services for  
14 congenital cytomegalovirus, including pharmaceutical  
15 intervention, the specialist shall report the results of the  
16 intervention to the department and, if necessary, inform the  
17 newborn's designated physician or health care provider.

18        (g) The executive commissioner may adopt rules as necessary  
19 to implement this section.

20        SECTION 2. This Act takes effect September 1, 2023.