

BILL ANALYSIS

H.B. 3446
By: Hull
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The bill author has informed the committee that there have been multiple documented instances in which Texas medical providers have sent notices to parents of minor patients stating that the child must consent to the child's parents having continued access to the child's records upon the child reaching a certain age, which is typically at 12 or 13, stating that this is required by both state and federal law. Current Texas law permits certain minors to consent to their own treatment in limited circumstances, such as being an active duty military member or consenting to treatment for pregnancy or certain infectious diseases. However, the bill author has informed the committee that no law prohibits a parent or guardian's access to a child's records, which has led to frustration among some parents who are unable to make informed decisions about their child's treatment when a provider restricts their access to the child's records inconsistent with the law. H.B. 3446 seeks to address this issue by clarifying the entitlement of a child's parent, managing conservator, or guardian to assess the child's health treatment records.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 3446 amends the Family Code to entitle a child's parent or, if applicable, the child's managing conservator or guardian, unless limited by court order, to access to the child's medical, dental, psychological, or surgical treatment records, regardless of whether the parent, managing conservator, or guardian was required to consent to the treatment or consented to the treatment.

H.B. 3446 amends the Health and Safety Code to establish that nothing in the statutory provisions relating to medical records privacy may be construed to limit the right of a child's parent or, if applicable, the child's managing conservator or guardian, to access to the child's health records under other law. For purposes of this provision, the bill defines "child" as a person younger than 18 years of age who is not and has not been married or who has not had the disabilities of minority removed for general purposes.

EFFECTIVE DATE

September 1, 2025.