

BILL ANALYSIS

Senate Research Center
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S.B. 1233
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Health & Human Services
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Perinatal palliative care is the means of providing comprehensive, supportive care to reduce the suffering of a pregnant woman, her preborn child, and her family, from diagnosis of the preborn child's life-threatening disability until one year after birth. Promptly providing information and care during this time is crucial because many pregnant women are unaware of the services available to ease the pain and suffering they may endure. This information and care may be about care for the mother and child; health care and other services available for the mother, child, and family; and information about medical assistance benefits that may be available.

S.B. 1233 aims to make these resources more easily accessible to expectant mothers.

As proposed, S.B. 1233 amends current law relating to information regarding perinatal palliative care and creates an administrative penalty.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Authorizes this Act to be cited as the Perinatal Palliative Care Act.

SECTION 2. Provides that the legislature finds that:

(1) palliative care is a critical form of care provided to alleviate the pain and suffering of individuals with severe life-threatening disabilities or diseases;

(2) in approximately two percent of pregnancies, the preborn child is diagnosed with a life-threatening medical condition that will likely result in the child's death before or shortly after birth; and

(3) since the lives of preborn children are no longer prematurely taken by abortion in this state, many of the children described by Subdivision (2) are born alive.

SECTION 3. Amends Chapter 161, Health and Safety Code, by adding Subchapter Z, as follows:

SUBCHAPTER Z. PERINATAL PALLIATIVE CARE

Sec. 161.751. PURPOSE OF SUBCHAPTER. Sets forth the purpose of this subchapter.

Sec. 161.752. DEFINITIONS. Defines "health care provider" and "perinatal palliative care."

Sec. 161.753. PERINATAL PALLIATIVE CARE INFORMATIONAL MATERIALS.
(a) Requires the Health and Human Services Commission (HHSC) to develop perinatal palliative care informational materials and post the materials on HHSC's Internet website. Requires that the materials include a description of the health care and other services

available through perinatal palliative care and information about medical assistance benefits that may be available for prenatal care, childbirth, and perinatal palliative care.

(b) Requires HHSC to develop, regularly update, and publish a geographically indexed list of all perinatal palliative care providers and programs in this state. Authorizes HHSC to include perinatal palliative care providers and programs in other states that provide care to residents of this state but prohibits HHSC from including an abortion provider, as defined by Section 171.002 (Definitions), or an affiliate, as defined by Section 2273.001 (Definitions), Government Code, of an abortion provider.

(c) Requires HHSC to post on HHSC's Internet website the list of perinatal palliative care providers and programs, including contact information, and note the providers and programs that provide services free of charge.

Sec. 161.754. PERINATAL PALLIATIVE CARE CERTIFICATION FORM. Requires HHSC to develop a form on which a pregnant woman certifies she received the perinatal palliative care informational materials and list of the perinatal palliative care providers and programs described by Section 161.753.

Sec. 161.755. HEALTH CARE PROVIDER DUTIES ON DIAGNOSIS OF PREBORN CHILD'S LIFE-THREATENING DISABILITY. Requires a health care provider who diagnoses a pregnant woman's preborn child as having a life-threatening disability to, at the time of the diagnosis:

(1) provide the pregnant woman with a written copy of the perinatal palliative care informational materials and list of the perinatal palliative care providers and programs described by Section 161.753 and the perinatal palliative care certification form described by Section 161.754; and

(2) obtain from the pregnant woman the signed perinatal palliative care certification form and place the form in the pregnant woman's medical records.

Sec. 161.756. EXCEPTION. Provides that a health care provider is not required to provide the perinatal palliative care informational materials or perinatal palliative care certification form under this subchapter if the health care provider verifies the pregnant woman's medical record contains a signed perinatal palliative care certification form for that pregnancy as required under Section 161.755(2).

Sec. 161.757. DISCIPLINARY ACTION; ADMINISTRATIVE PENALTY. Provides that a health care provider who violates Section 161.755 is subject to disciplinary action by the state licensing agency that regulates the provider. Requires the licensing agency, on determining the provider committed a violation, for an initial violation, issue a written warning to the provider and for each subsequent violation, impose on the provider an administrative penalty in the amount of \$1,000.

SECTION 4. Effective date: September 1, 2025.