

## **BILL ANALYSIS**

Senate Research Center  
78R8836 DLF-D

C.S.S.B. 1148  
By: Shapleigh  
Health & Human Services  
4/17/2003  
Committee Report (Substituted)

### **DIGEST AND PURPOSE**

Currently, hospitals and birthing centers are not required to provide immunization information to a child's mother or guardian following the child's birth. C.S.S.B. 1148 mandates hospitals and birthing centers to provide an immunization pamphlet developed by the Texas Department of Health to each child's parent or guardian following the child's birth and before the child is discharged. Hospitals and birthing centers will be mandated to show compliance for licensure.

### **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. Amends Subchapter A, Chapter 161, Health and Safety Code, by adding Section 161.0045, as follows:

Sec. 161.0045. INFORMATION ON IMMUNIZATION OF CHILDREN; DUTIES OF HOSPITALS AND BIRTHING CENTERS. (a) Requires the birthing center or hospital, before a newborn child is discharged after birth from a birthing center licensed under Chapter 244 (Birthing Centers) or a hospital, to provide to the child's parent, managing conservator, or guardian an informational pamphlet describing immunizations available to protect the child from disease. Requires a physician or certified nurse-midwife that attends the birth of a child outside of a birthing center or hospital to provide the pamphlet to the child's parent, managing conservator, or guardian as soon as practicable following the birth of the child. Requires an employee or volunteer of the birthing center or hospital, the physician, the certified nurse-midwife, or an employee or volunteer on behalf of the physician or certified nurse-midwife to personally deliver the pamphlet to the child's parent, managing conservator, or guardian.

(b) Requires the Texas Department of Health (TDH) to develop the informational pamphlet required by this section.

(c) Requires the informational pamphlet to describe certain topics.

(d) Requires TDH to distribute the informational pamphlet available to hospitals having a maternity unit, birthing center, physicians, and certified nurse-midwives.

(e) Requires the Office of Early Childhood Coordination of the Health and Human Services Commission to coordinate funding for the development, publication, and distribution of the informational pamphlet. Authorizes the development, publication, and distribution of the pamphlet to be funded through means other than appropriations, which may include gifts and grants and sale of sponsorship or advertising.

SECTION 2. Amends Section 241.022(c), Health and Safety Code, to require TDH to require that each hospital show evidence that the hospital complies with Section 161.0045, as required by Section 241.029. Makes nonsubstantive changes.

SECTION 3. Amends Subchapter B, Chapter 241, Health and Safety Code, by adding Section 241.029, as follows:

Sec. 241.029. INFORMATION ON IMMUNIZATION OF CHILDREN; DUTY OF HOSPITAL. Requires a hospital to comply with Section 161.0045.

SECTION 4. Amends Section 244.005(c), Health and Safety Code, to require the application to contain evidence that the center complies with Section 161.0045, as required by Section 224.0104. Creates Subdivision (1) from existing text. Makes nonsubstantive changes.

SECTION 5. Amends Chapter 244, Health and Safety Code, by adding Section 244.0104, as follows:

Sec. 244.0104. INFORMATION ON IMMUNIZATION OF CHILDREN; DUTY OF BIRTHING CENTER. Requires a birthing center to comply with Section 161.0045.

SECTION 6. Amends Section 531.285, Government Code, by adding Subsection (d), to require the Office of Early Childhood Coordination to coordinate funding for the development, publication, and distribution of the informational pamphlet relating to immunization of children as required by Section 161.0045, Health and Safety Code.

SECTION 7. Requires TDH, not later than January 1, 2004, to make available the informational pamphlet described by Section 161.0045, Health and Safety Code, as added by this Act. Authorizes TDH, in developing the informational pamphlet, to consider material contained in informational pamphlets previously prepared by TDH and use information previously compiled and available to TDH.

SECTION 8. Effective date: upon passage or September 1, 2003.