

- SUBJECT:** Consent to immunization by minors who are parents or pregnant
- COMMITTEE:** Public Health — favorable, without amendment
- VOTE:** 10 ayes — Kolkhorst, Naishtat, Coleman, Collier, Cortez, S. Davis, Guerra, Laubenberg, J.D. Sheffield, Zedler
- 0 nays
- 1 absent — S. King
- SENATE VOTE:** On final passage, March 13 — 31-0 on Local and Uncontested Calendar
- WITNESSES:** For — Anna Dragsbaek, The Immunization Partnership; Jason Terk, Texas Pediatric Society, Texas Medical Association, Texas Academy of Family Physicians; (*Registered, but did not testify:* Nora Belcher, Texas e-Health Alliance; Melody Chatelle, United Ways of Texas; Brent Connett, Texas Conservative Coalition; Teresa Devine, Blue Cross and Blue Shield of Texas; Kathy Eckstein, Children's Hospital Association of Texas; Melissa Gardner, Texans Care for Children; Harry Holmes, Harris County Healthcare Alliance; Carrie Kroll, Texas Hospital Association; Joe Martinec, March of Dimes; Dennis Scharp, North Texas Citizen's Lobby; Rebekah Schroeder, Texas Children's Hospital; Steven Shelton, Texas Public Health Coalition; Ronald Woodruff, North Texas Citizen's Lobby; Chris Yanas, Teaching Hospitals of Texas)
- Against — (*Registered, but did not testify:* David Huber, Texas Home School Coalition)
- On — (*Registered, but did not testify:* Michele Adams, Department of Family and Protective Services; Wesley Hodgson, Department of State Health Services)
- BACKGROUND:** Under current law, children who are parents or pregnant cannot consent to their own immunizations, but children who are parents can consent to medical treatment, including immunizations, for their children.
- Family Code, sec. 32.003 allows a child to consent to their own medical,

dental, psychological, and surgical treatment by a licensed physician or dentist under seven circumstances, including if:

- the child is unmarried and pregnant and consents to hospital, medical, or surgical treatment, other than abortion, related to the pregnancy; or
- the child is unmarried, a parent, has actual custody of his or her child and consents to medical, dental, psychological, or surgical treatment for the child.

Under this section, a child's consent to medical, dental, psychological, and surgical treatment cannot be denied because he or she is a minor. Consent of the parents, managing conservator, or guardian of a child is not necessary to authorize hospital, medical, surgical, or dental care. A licensed physician, dentist, or psychologist may, with or without the consent of a child who is a patient, advise the parents, managing conservator, or guardian of the child of the treatment provided to or needed by the child. A physician, dentist, psychologist, hospital, or medical facility may rely on the written statement of the child containing the grounds on which the child has capacity to consent to the child's medical treatment.

**DIGEST:**

SB 63 would authorize a child to consent to the child's own immunization for a disease if:

- the child was pregnant or was the parent of a child and had actual custody of that child; and
- the Centers for Disease Control and Prevention recommended or authorized the initial dose of an immunization for that disease to be administered before seven years of age.

The bill would allow a health care provider or facility to rely on written consent by the child as grounds for immunization. Consent would have to be in writing, signed by the person giving consent, and given to the doctor, hospital, or other medical facility that would administer the immunization. Under the bill, a qualifying child could not be denied immunization because of the child's status as a minor.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2013.

**SUPPORTERS  
SAY:**

SB 63, by allowing parents and pregnant minors to consent to their own immunizations, would make sure minor parents did not transmit vaccine-preventable infectious diseases to their babies. Under current law, minor parents may consent to immunization and medical treatment for their children but not for their own immunization.

Parents who are minors should be able to do what is in the best interest of their own children. This year, an estimated 50,000 adolescents under 18 will become parents in Texas. They need immunizations to protect their babies, especially those under 6 months who are extremely vulnerable to infectious diseases such as influenza and pertussis transmitted from a parent.

SB 63 would make it easier for all parents to do the right thing for their children. Current law makes it difficult for un-emancipated minor parents to get properly immunized against diseases that could affect their baby if they do not bring their parents with them to a doctor's appointment. The bill would not set a precedent for children to be treated without their parents' consent under their parents' health insurance policy, as current law already allows children to consent to their own health care under many circumstances.

The only immunizations allowed by the bill are those recommended or authorized by the U.S. Centers for Disease Control and Prevention (CDC) to be administered before 7 years of age. These immunizations are safe and are important to prevent infant death or illness.

SB 63 would be aimed at helping minor parents get immunizations against diseases that could affect their babies. The bill would exclude vaccinations for HPV (human papillomavirus) and meningitis, which are deadly diseases but do not pose a real and present risk to infants under the CDC definition. The bill would allow parents to do the most important thing now.

**OPPONENTS  
SAY:**

SB 63 would erode a parent's right to make decisions about their child's health. Just because a child has a child does not mean the parent should not be involved in their own child's health care, especially if the child is still under their parent's insurance policy. Immunizations can have negative side effects and should not be authorized without a parent's consent.

OTHER  
OPPONENTS  
SAY:

While SB 63 is necessary to protect vulnerable infants against vaccine-preventable diseases, the bill could be expanded to allow minor parents to get vaccinated against other deadly diseases, such as HPV and meningitis.