AN ACT

relating to information provided to parents of newborn children.

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

SECTION 1. Subchapter R, Chapter 161, Health and Safety Code, as added by Chapter 1011, Acts of the 78th Legislature, Regular Session, 2003, is redesignated as Subchapter T, Chapter 161, Health and Safety Code, and amended to read as follows:

SUBCHAPTER T [R]. [PARENTING AND POSTPARTUM COUNSELING]

INFORMATION FOR PARENTS OF NEWBORN CHILDREN

Sec. 161.501 [161.451]. RESOURCE PAMPHLET [LIST]. (a) A hospital, birthing center, physician, nurse midwife, or midwife who provides prenatal care to a pregnant woman during gestation or at delivery of an infant shall:

(1) provide the woman and the father of the infant, if possible, or another adult caregiver for the infant, with a resource pamphlet that includes:

(A) a list of the names, addresses, and phone numbers of professional organizations that provide postpartum counseling and assistance to parents relating to postpartum depression and other emotional trauma associated with pregnancy and parenting;

(B) information regarding the prevention of shaken baby syndrome including:

   (i) techniques for coping with anger caused
by a crying baby;

(ii) different methods for preventing a
person from shaking a newborn, infant, or other young child;

(iii) the dangerous effects of shaking a
newborn, infant, or other young child; and

(iv) the symptoms of shaken baby syndrome
and who to contact, as recommended by the American Academy of
Pediatrics, if a parent suspects or knows that a baby has been
shaken in order to receive prompt medical treatment;

(C) a list of diseases for which a child is
required by state law to be immunized and the appropriate schedule
for the administration of those immunizations; and

(D) the appropriate schedule for follow-up
procedures for newborn screening;

(2) document in the woman's [patient's] record that
the woman [patient] received the information described in
Subdivision (1); and

(3) retain the documentation for at least five [three]
years in the hospital's, birthing center's, physician's, nurse
midwife's, or midwife's records.

(b) A hospital, birthing center, physician, nurse midwife,
or midwife may use the pamphlet provided on the department's
website or an alternative pamphlet that provides the information
required by this section [The list must include resources a parent
may contact to receive counseling and assistance for postpartum
depression and other emotional traumas associated with pregnancy
and parenting].
[(c) A hospital, birthing center, physician, nurse-midwife, or midwife who provides prenatal care to a woman during gestation or at delivery is presumed to have complied with this section if the woman received prior prenatal care from another hospital, birthing center, physician, or midwife in this state during the same pregnancy.]

Sec. 161.502 [161.452]. DUTIES OF DEPARTMENT. (a) The department shall:

(1) establish guidelines for the provision of the information required by Section 161.501 [161.451];

(2) make available on the department's website a printable version of the pamphlet required by Section 161.501 [list of professional organizations that provide postpartum counseling and assistance to parents]; [and]

(3) update the list of resources and required immunizations in the pamphlet required under Subdivision (2) quarterly;

(4) make the pamphlet required by Section 161.501 available for distribution to hospitals, physicians, birthing centers, nurse midwives, and midwives; and

(5) coordinate funding for the development, publication, and distribution of the informational pamphlet with other health and human services agencies, and solicit funding for the department's duties under this subchapter through means other than appropriations, such as gifts, grants, and sales of sponsorship or advertising [monthly].

(b) The department may include additional information in
the pamphlet as appropriate for parents of newborns.

Sec. 161.503. LIABILITY NOT CREATED. This subchapter does not create civil or criminal liability.

SECTION 2. Before publishing or distributing the pamphlet required by Section 161.502, Health and Safety Code, as redesignated and amended by this Act, the Department of State Health Services shall provide the proposed pamphlet to the Texas Pediatric Society Committee on Child Abuse for review and comment and shall integrate the comments into the final pamphlet.

SECTION 3. This Act takes effect September 1, 2005.
I hereby certify that S.B. No. 316 passed the Senate on March 21, 2005, by the following vote: Yeas 29, Nays 0; and that the Senate concurred in House amendment on May 23, 2005, by a viva-voce vote.

I hereby certify that S.B. No. 316 passed the House, with amendment, on May 18, 2005, by a non-record vote.

Approved:

17 June 05

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE SECRETARY OF STATE
11:20 A.M. O'CLOCK

Roger Williams
Secretary of State