

By: Rose

H.B. No. 212

A BILL TO BE ENTITLED

1 AN ACT

2 relating to consent to the immunization of certain children.

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

4 SECTION 1. Subchapter B, Chapter 32, Family Code, is
5 amended by adding Section 32.1012 to read as follows:

6 Sec. 32.1012. CONSENT TO IMMUNIZATION BY CERTAIN CHILDREN

7 COMMITTED TO TEXAS JUVENILE JUSTICE DEPARTMENT. (a)

8 Notwithstanding Section 32.001, 32.003, or 32.101, a child may
9 consent to the child's own immunization if:

10 (1) the child is 14 years of age or older and is
11 committed to the Texas Juvenile Justice Department under Title 3;

12 (2) the health care provider administering the
13 immunization has on file a valid consent form for the medical
14 treatment of the child completed by a parent, managing conservator,
15 or guardian of the child or other person who, under the law of
16 another state or a court order, may consent for the child or a
17 person authorized to consent to the treatment under Section 32.001;

18 and

19 (3) the health care provider administering the
20 immunization has made a reasonable attempt to contact the person
21 who completed the consent form described by Subdivision (2) and was
22 unable to contact that person for consent to the immunization.

23 (b) Notwithstanding Subsection (a), a provider may not
24 administer an immunization to a child under this section if the

1 provider has actual knowledge that a parent, managing conservator,
2 or guardian of the child or other person who, under the law of
3 another state or a court order, may consent for the child has
4 expressly refused to give consent to the immunization.

5 (c) A child who consents to immunization under this section
6 shall provide the health care provider with sufficient and accurate
7 health history and other information for the child and, if
8 necessary, sufficient and accurate health history and information
9 about the child's family to enable the child and the health care
10 provider to determine adequately the risks and benefits inherent in
11 the proposed immunization and to determine whether immunization is
12 advisable.

13 (d) Consent to immunization under this section must meet the
14 requirements of Section 32.002(a).

15 (e) Consent by a child to immunization under this section is
16 not subject to disaffirmance because of minority.

17 (f) A health care provider or facility is not liable for the
18 immunization of a child under this section except for the
19 provider's or the facility's own acts of negligence.

20 (g) To the extent of any conflict between this section and
21 Section 32.003, this section controls.

22 SECTION 2. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2015.