

1-1 By: Kolkhorst S.B. No. 748
1-2 (In the Senate - Filed February 11, 2019; March 1, 2019,
1-3 read first time and referred to Committee on Health & Human
1-4 Services; March 13, 2019, reported favorably by the following
1-5 vote: Yeas 9, Nays 0; March 13, 2019, sent to printer.)

1-6 COMMITTEE VOTE

1-7	Yea	Nay	Absent	PNV
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to newborn screening and the newborn screening
1-20 preservation account.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 33.004(f), Health and Safety Code, is
1-23 amended to read as follows:

1-24 (f) The executive commissioner by rule shall ~~may~~
1-25 establish the amounts charged for newborn screening fees, including
1-26 fees assessed for follow-up services, tracking confirmatory
1-27 testing, and diagnosis. In adopting rules under this subsection,
1-28 the executive commissioner shall ensure that amounts charged for
1-29 newborn screening fees are sufficient to cover the costs of
1-30 performing the screening.

1-31 SECTION 2. Chapter 33, Health and Safety Code, is amended by
1-32 adding Subchapter D to read as follows:

1-33 SUBCHAPTER D. NEWBORN SCREENING PRESERVATION ACCOUNT

1-34 Sec. 33.051. DEFINITION. In this subchapter, "account"
1-35 means the newborn screening preservation account established under
1-36 Section 33.052.

1-37 Sec. 33.052. CREATION OF ACCOUNT. (a) The newborn
1-38 screening preservation account is a dedicated account in the
1-39 general revenue fund. Money in the account may be appropriated only
1-40 to the department and only for the purpose of carrying out the
1-41 newborn screening program established under this chapter.

1-42 (b) On November 1 of each year, the comptroller shall
1-43 transfer to the account any unexpended and unencumbered money from
1-44 Medicaid reimbursements collected by the department for newborn
1-45 screening services during the preceding state fiscal year.

1-46 (c) The account is composed of:

1-47 (1) money transferred to the account under Subsection
1-48 (b);

1-49 (2) gifts, grants, donations, and legislative
1-50 appropriations; and

1-51 (3) interest earned on the investment of money in the
1-52 account.

1-53 (d) Section 403.0956, Government Code, does not apply to the
1-54 account.

1-55 (e) The department administers the account. The department
1-56 may solicit and receive gifts, grants, and donations from any
1-57 source for the benefit of the account.

1-58 Sec. 33.053. DEDICATED USE. (a) The department may use
1-59 any money remaining in the account after paying the costs of
1-60 operating the newborn screening program established under this
1-61 chapter only to:

(1) pay the costs of offering additional newborn screening tests not offered under this chapter before September 1, 2019, including the operational costs incurred during the first year of implementing the additional tests; and

(2) pay for capital assets, equipment, and renovations for the laboratory established by the department to ensure the continuous operation of the newborn screening program.

(b) The department may not use money from the account for the department's general operating expenses.

Sec. 33.054. REPORT. If the department requires an additional newborn screening test under Subchapter B the costs of which are funded with money appropriated from the newborn screening preservation account, the department shall, not later than December 31 of the first even-numbered year following the addition of the test, prepare and submit a written report regarding the actions taken by the department to fund and implement the test during the preceding two years to:

(1) the governor;

(2) the lieutenant governor;

(3) the speaker of the house of representatives; and

(4) each standing committee of the legislature having primary jurisdiction over the department.

SECTION 3. As soon as practicable after the effective date of this Act, the executive commissioner of the Health and Human Services Commission shall adopt rules as necessary to implement the changes in law made by this Act.

SECTION 4. This Act takes effect September 1, 2019.

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