

BILL ANALYSIS

Senate Research Center
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S.B. 837
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Health & Human Services
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Texas has the highest rate in the country of teens giving birth. In 2003, one out of every two births in Texas was paid for with public dollars, and the Department of State Health Services estimates that the first year of a Medicaid-funded pregnancy costs nearly \$8,500. In contrast, the cost for one year of family planning care for a woman—including a pap smear and a year of contraception—is only \$170, and the federal government provides \$9 in matching funds for every \$1 Texas spends on the Women's Health Program. This program allows women, ages 18 to 44, who are United States citizens and who make at or below 185 percent of the federal poverty level to access family planning services.

The Women's Health Program is projected to save Texas \$278 million over the five-year demonstration timeline and save the federal government an addition \$189 million. Texas is only slated to spend \$25,000 on outreach on this program per year, with the federal government contributing only \$25,000 more.

Currently, Texas law requires that contraceptive use, if it is taught, must be taught in terms of "human use reality rates" as opposed to "laboratory test rates," but neither of these rates are defined in Texas statute, nor do they have commonly cited sources. Also, school districts are required to notify parents of the content of sex education classes and the parents' right to remove their child from any part of the class, but there is no specification in the law as to the requirements of the notification's content.

As proposed, S.B. 837 requires the Health and Human Services Commission (HHSC) to conduct a comprehensive marketing and outreach campaign, to the extent funds are available, to increase enrollment in the Texas Women's Health Program. This bill also requires that contraceptive use, if it is taught, be taught in terms of "typical use rates" as well as "perfect use rates" with an emphasis on the reason those rates differ. S.B. 837 expands the requirement that school districts notify parents of the content of sex education classes, so that parents are fully informed of Texas law as it applies to sex education and instruction. This includes notifying parents in writing about the distinction between abstinence-only and comprehensive sex education (and which type of education their child is receiving) and providing information about parental involvement in the development of sex education curriculum.

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. SHORT TITLE. Authorizes this Act to be cited as the Texas Prevention First Act.

SECTION 2. PURPOSES AND FINDINGS. Provides that the goal of this bill is to decrease the number of unintended pregnancies and abortions in Texas. Sets forth legislative findings related to unintended pregnancies and abortions in Texas.

SECTION 3. OUTREACH CAMPAIGN. Amends Subchapter B, Chapter 531, Government Code, by adding Section 531.093, as follows:

Sec. 531.093. UNINTENDED PREGNANCIES AND SEXUALLY TRANSMITTED DISEASES: OUTREACH CAMPAIGN AND SERVICES PROVIDED. (a) Requires the Health and Human Services Commission (HHSC) to provide adequate and sufficient funding, to the extent that money is available, to conduct a comprehensive marketing and outreach campaign to reduce the number of unintended pregnancies and reduce the rates of sexually transmitted diseases. Requires the campaign to include print and broadcast media, Internet websites, and a toll-free telephone number.

(b) Prohibits HHSC, the Legislative Budget Board, or the governor, in providing adequate and sufficient funding for the campaign as required by Subsection (a), from taking any action to decrease the level of programs and services designed to reduce the number of unintended pregnancies and reduce the rates of sexually transmitted diseases to below the level of programs and services provided on September 1, 2007.

SECTION 4. EDUCATION. Amends Section 28.004, Education Code, by amending Subsections (e) and (i) and adding Subsections (m) and (n), as follows:

(e) Requires any course materials and instruction relating to human sexuality that include contraception and condoms to teach contraception and condom use in terms of typical use rates and perfect use rates, with an emphasis on the reasons those rates differ.

(i) Requires a school district to provide written notice containing certain statements regarding the district's human sexuality instruction to a parent of each student enrolled in the district before the instruction is provided to students.

(m) Provides that the board procedure adopted under Section 26.011 (Complaints) applies to a complaint filed regarding a right guaranteed by this section.

(n) Defines "abstinence-only instruction," "perfect use rate," and "typical use rate."

SECTION 5. EFFECTIVE DATE. Effective date: September 1, 2007.