

BILL ANALYSIS

Senate Research Center
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S.B. 585
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Health & Human Services
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The purpose of S.B. 585 is to reduce unintended pregnancies and curb the spread of sexually transmitted infections by expanding outreach for family planning services, ensuring accurate sex education in public schools, and keeping parents fully informed about the content of their child's sex education instruction. The bill proposes to achieve this by:

- instructing the Texas Health and Human Services Commission to renew the federal Medicaid waiver known as the Texas Women's Health Program (Section 32.0248(a), Human Resources Code) and strengthen the program's outreach efforts;
- requiring that Human Sexuality Instruction under Section 28.004 (Local School Health Advisory Council and Health Education Instruction), Education Code, be evidence-based; and
- expanding 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 instruction.

School districts are currently required to provide written notice, to a parent of each student enrolled in the district, of the board of trustees' decision regarding whether the district will provide sex education to district students. This bill changes the description of the notice from "a statement informing the parent of the instructional requirements under the law," to a statement that actually lists those requirements.

As proposed, S.B. 585 amends current law relating to programs, services, and information related to women's health, family planning, and human sexuality.

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. DEMONSTRATION PROJECT FOR WOMEN'S HEALTH CARE SERVICES. Amends Sections 32.0248(a) and (i), Human Resources Code, as follows:

(a) Requires the Texas Health and Human Services Commission (HHSC) to establish a seven-year, rather than five-year, demonstration project through the medical assistance program to expand access to preventive health and family planning services for women. Makes no further changes to this subsection.

(i) Provides that this section expires December 31, 2013, rather than September 1, 2011.

SECTION 2. OUTREACH. Amends Subchapter B, Chapter 531, Government Code, by adding Section 531.095, as follows:

Sec. 531.095. IMPLEMENTATION OF MEASURES TO ACHIEVE CASELOAD AND COST-SAVINGS ESTIMATES. (a) Requires HHSC, to attain the state and federal cost-savings and reduced rates of unintended pregnancies estimated in the waiver

application, or any renewal waiver application, submitted to the Center for Medicare and Medicaid Services for implementation of the demonstration project for women's health care services authorized under Section 32.0248, Human Resources Code, to implement effective education, outreach, and other measures designed to increase participation in the demonstration project and through the increased participation achieve the caseload and cost-savings estimates stated in the waiver application.

(b) Prohibits HHSC, in complying with Subsection (a), from taking any action to decrease the level of programs and services designed to reduce the number of unintended pregnancies and lower the rates of sexually transmitted diseases to below the level of programs and services provided on September 1, 2011.

(c) Provides that this section expires December 31, 2013.

SECTION 3. HUMAN SEXUALITY INSTRUCTION. Amends Section 28.004, Education Code, by amending Subsections (e) and (i), and adding Subsection (n), as follows:

(e) Requires that any course materials and instruction relating to human sexuality, sexually transmitted diseases, or human immunodeficiency virus or acquired immune deficiency syndrome be selected by the board of trustees with the advice of the local school health advisory council and must, among other requirements, be evidence-based. Makes nonsubstantive changes.

(i) Requires a school district, before each school year, to provide written notice to a parent of each student enrolled in the district of the board of trustees' decision regarding whether the district will provide human sexuality instruction to district students. Requires that the notice, if instruction will be provided, include among certain statements and information a summary of basic content of the district's human sexuality instruction to be provided to the student, including a statement informing the parent that the instruction is required by state law to present abstinence from sexual activity as the preferred choice of behavior in relationship to all sexual activity for all unmarried persons of school age; and devote more attention to abstinence from sexual activity than to any other behavior; and a statement of whether the instruction is considered by the district to be abstinence-only instruction or comprehensive instruction, including an explanation of the difference between those types of instruction and a specific statement regarding whether the student will receive information on contraception and condom use. Makes nonsubstantive changes.

(n) Defines "abstinence-only instruction" and "evidence-based" in this section.

SECTION 4. WAIVER. Requires a state agency, if necessary for implementation of a provision of this Act, to request a waiver or authorization from a federal agency, and authorizes delay of implementation until such waivers or authorizations are granted.

SECTION 5. EFFECTIVE DATE. Effective date: September 1, 2011.