

Bill Summary
2nd Session of the 60th Legislature

Bill No.:	SB 1637
Version:	INT
Request No.	2319
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Date:	01/13/2026

Bill Analysis

SB 1637 creates the Parental Medical Rights Protection Act. The measure prohibits the removal of any child from parental custody solely on the basis of alleged neglect for failing to provide medical care unless it is shown through clear and convincing evidence that the proposed medical treatment is medically necessary to prevent imminent death or permanent disability and the parent or guardian has refused such treatment after being fully informed of the medical necessity. Parents or guardians may rebut the showing of medical necessity by demonstrating that the child is receiving or will receive treatment under the care of a licensed, registered, or credentialed medical or alternative treatment professional authorized to treat the condition in his or her scope of practice. The measure requires the court to allow parents to obtain discovery and present expert testimony to rebut evidence of medical necessity. The measure clarifies that it does not prevent the Department of Human Services from or law enforcement from acting in cases of immediate and substantial risk of death or physical injury, provided the intervention is narrowly tailored and subject to judicial review within 24 hours.

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