

By: Plesa

H.B. No. 1490

A BILL TO BE ENTITLED

AN ACT

1
2 relating to prioritization of a pregnant individual's health when
3 providing health care treatments; authorizing an administrative
4 penalty.

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

6 SECTION 1. Chapter 170A, Health and Safety Code, is amended
7 by adding Section 170A.008 to read as follows:

8 Sec. 170A.008. PRIORITIZATION OF PREGNANT INDIVIDUAL'S
9 HEALTH. (a) Notwithstanding any other law, a physician or health
10 care practitioner shall prioritize the health of a pregnant
11 individual over the health of the fetus the individual is carrying
12 when recommending a health care treatment for the individual,
13 regardless of whether the treatment poses a risk of injury or death
14 to the fetus.

15 (b) A pregnant individual retains the right to agree to or
16 refuse a health care treatment regardless of the physician's or
17 health care practitioner's recommendation under Subsection (a),
18 and the physician or practitioner may provide the treatment only
19 after obtaining the individual's informed consent.

20 (c) The appropriate licensing authority may impose an
21 administrative penalty against a physician or health care
22 practitioner who violates this section in the same manner and using
23 the same procedures as the authority uses to impose an
24 administrative penalty against a physician or practitioner who

1 violates the authority's licensing or other regulatory laws or
2 rules.

3 SECTION 2. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2023.