

1-1 By: A. Johnson of Harris, Leach, Slawson H.B. No. 3058
 1-2 (Senate Sponsor - Hughes)
 1-3 (In the Senate - Received from the House May 15, 2023;
 1-4 May 17, 2023, read first time and referred to Committee on State
 1-5 Affairs; May 19, 2023, reported adversely, with favorable
 1-6 Committee Substitute by the following vote: Yeas 9, Nays 0;
 1-7 May 19, 2023, sent to printer.)

1-8 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-9				
1-10	X			
1-11	X			
1-12	X			
1-13			X	
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			
1-19	X			
1-20			X	

1-21 COMMITTEE SUBSTITUTE FOR H.B. No. 3058 By: Hughes

1-22 A BILL TO BE ENTITLED
 1-23 AN ACT

1-24 relating to the provision of certain medical treatment to a
 1-25 pregnant woman by a physician or health care provider.

1-26 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-27 SECTION 1. Chapter 74, Civil Practice and Remedies Code, is
 1-28 amended by adding Subchapter L to read as follows:

1-29 SUBCHAPTER L. ACTIONS ARISING FROM PREGNANCY COMPLICATIONS

1-30 Sec. 74.551. APPLICATION. An action to which Section
 1-31 74.552 applies is a health care liability claim for purposes of this
 1-32 chapter and is subject to the same requirements as any other health
 1-33 care liability claim.

1-34 Sec. 74.552. AFFIRMATIVE DEFENSE IN CERTAIN ACTIONS ARISING
 1-35 FROM CERTAIN PREGNANCY COMPLICATIONS. (a) It is an affirmative
 1-36 defense to liability in a civil action brought against a physician
 1-37 or health care provider for a violation of Section 170A.002, Health
 1-38 and Safety Code, including an action to recover a civil penalty
 1-39 under Section 170A.005, Health and Safety Code, that the physician
 1-40 or health care provider exercised reasonable medical judgment in
 1-41 providing medical treatment to a pregnant woman in response to:

1-42 (1) an ectopic pregnancy at any location; or

1-43 (2) a previable premature rupture of membranes.

1-44 (b) A pharmacist or pharmacy that receives, processes, or
 1-45 dispenses a prescription drug or medication order written by a
 1-46 physician or health care provider to whom Subsection (a) applies is
 1-47 entitled to the affirmative defense provided by Subsection (a).

1-48 (c) This section does not create a civil cause of action.

1-49 SECTION 2. Section 164.055, Occupations Code, is amended by
 1-50 adding Subsection (c) to read as follows:

1-51 (c) Notwithstanding Subsection (a), the board may not take
 1-52 disciplinary action against a physician who exercised reasonable
 1-53 medical judgment in providing medical treatment to a pregnant woman
 1-54 as described by Section 74.552, Civil Practice and Remedies Code.

1-55 SECTION 3. Subchapter C, Chapter 9, Penal Code, is amended
 1-56 by adding Section 9.35 to read as follows:

1-57 Sec. 9.35. CERTAIN MEDICAL TREATMENT PROVIDED TO PREGNANT
 1-58 WOMAN. A physician or health care provider is justified in
 1-59 exercising reasonable medical judgment in providing medical
 1-60 treatment to a pregnant woman as described by Section 74.552, Civil

2-1 Practice and Remedies Code.

2-2 SECTION 4. This Act takes effect September 1, 2023.

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