

By: Zwiener

H.B. No. 5071

A BILL TO BE ENTITLED

AN ACT

1
2 Relating to privacy protections for individuals experiencing
3 pregnancy loss.

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

5 SECTION 1. Subtitle H, Title 2, Health and Safety Code, is
6 amended by adding Chapter 174 to read as follows:

7 CHAPTER 174. PROHIBITED REPORT, DISCLOSURE, AND CRIMINAL OFFENSE
8 ENFORCEMENT AND PREGNANCY LOSS

9 Sec. 174.001. APPLICABILITY. This chapter applies to the
10 loss of a pregnancy that occurs intentionally or unintentionally.

11 Sec. 174.002. PROHIBITED REPORT OR DISCLOSURE OF PREGNANCY
12 LOSS BY HEALTH CARE PROVIDERS. (a) Notwithstanding any other law,
13 a physician or other health care provider who provides health care
14 services to a patient who experiences a pregnancy loss or who the
15 physician or provider suspects may have experienced a pregnancy
16 loss is prohibited from reporting or disclosing that information to
17 a peace officer or law enforcement agency.

18 (b) The report or disclosure of information prohibited
19 under Subsection (a) by a physician or other health care provider
20 constitutes a violation of Chapter 181 and the physician or
21 provider is subject to enforcement actions under Subchapter E of
22 that chapter, including disciplinary action by the appropriate
23 licensing authority.

24 Sec. 174.003. PROHIBITED REPORT TO LAW ENFORCEMENT FOR

1 PREGNANCY LOSS. Notwithstanding any other law, an individual
2 experiencing pregnancy loss to which this chapter applies may not
3 be used by a person as the basis for filing:

4 (1) A child abuse report under Chapter 261. Family
5 Code; or

6 (2) A report with a peace officer or law enforcement
7 agency.

8 Sec. 174.004. PROHIBITED ENFORCEMENT AND INVESTIGATION OF
9 CRIMINAL OFFENSE. (a) A physician's or other health care
10 provider's treatment for the complications of a pregnancy loss does
11 not constitute probably cause for an arrest of an individual for an
12 offense under:

13 (1) Chapter 170A;

14 (2) Chapter 171; or

15 (3) Chapter 6-1/2, Title 71, Revised Statutes.

16 Sec. 174.005. PROHIBITED ENFORCEMENT AND INVESTIGATION OF
17 CRIMINAL OFFENSE. (a) Notwithstanding any other law, an
18 individual experiencing pregnancy loss to which this chapter
19 applies may not be used by a peace officer or law enforcement agency
20 as the basis for:

21 (1) Probable cause for arrest or detainment; or

22 (2) Compelling questioning in pursuit of an
23 investigation of the individual experiencing pregnancy loss or that
24 of another in relation to the individual experiencing pregnancy
25 loss; or

26 (3) A warrant for existing medical records or
27 electronic communications of the individual experiencing pregnancy

1 loss.

2 (b) This section applies to but is not limited to offenses
3 under:

4 (1) Chapter 170A;

5 (2) Chapter 171; or

6 (3) Chapter 6-1/2, Title 71, Revised Statutes.

7 Sec. 174.006. PROTECTIONS FOR PRIVATE RECORDS. (a) For
8 lawsuits related to pregnancy loss, including but not limited to
9 under Section 171.208, an individual who has experience pregnancy
10 loss shall not be compelled to:

11 (1) Testify or give deposition

12 (2) Release private medical records or electronic
13 communications

14 (b) A court may not order the release of private medical
15 records or electronic communications from a person who experienced
16 pregnancy loss.

17 SECTION 4. This Act takes effect September 1, 2023.