

By: Nixon, et al.

H.B. No. 1592

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the establishment of the offense of performing surgery
3 while intoxicated.

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

5 SECTION 1. Subchapter D, Chapter 165, Occupations Code, is
6 amended by adding Section 165.1535 to read as follows:

7 Sec. 165.1535. PERFORMING SURGERY WHILE INTOXICATED. (a)
8 In this section, "intoxicated" has the meaning assigned by Section
9 49.01, Penal Code.

10 (b) A person commits an offense if the person is licensed or
11 regulated under this subtitle, performs surgery on a patient while
12 intoxicated, and, by reason of that conduct, places the patient at a
13 substantial and unjustifiable risk of harm.

14 (c) An offense under this section is a state jail felony.

15 (d) It is an affirmative defense to prosecution under this
16 section that the actor performed the surgery in an emergency. In
17 this subsection, "emergency" means a condition or circumstance in
18 which a reasonable person with education and training similar to
19 that of the actor would assume that the person on whom the surgery
20 was performed was in imminent danger of serious bodily injury or
21 death.

22 SECTION 2. This Act takes effect September 1, 2003.