

BILL ANALYSIS

H.B. 3008
By: Simmons
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties point out that parents of a child born with a disability may sue medical providers for failing to inform them that their child would be born with a disability and that parents in these cases sometimes seek damages for the injury of giving birth to a child with a disability without having had the information regarding the disability that would have allowed them instead to consider the option of aborting the child. These parties have expressed concerns that the liability for such wrongful births may encourage health care providers to over-cautiously seek out all potential disabilities and promote abortion in an effort to avoid liability and the parties believe that this type of wrongful birth claim should not be a cause of action in a medical malpractice suit. H.B. 3008 seeks to address this concern.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 3008 amends the Civil Practice and Remedies Code to prohibit a cause of action from arising and damages from being awarded, on behalf of any person, based on the claim that but for the act or omission of another, a person would not have been permitted to have been born alive but would have been aborted.

EFFECTIVE DATE

September 1, 2015.