

By: Peña

H.B. No. 1367

A BILL TO BE ENTITLED

AN ACT

relating to eliminating the wrongful birth and wrongful life causes of action.

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

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

SUBCHAPTER L. LIABILITY RELATED TO PREGNANCY AND BIRTH

Sec. 74.551. WRONGFUL BIRTH AND WRONGFUL LIFE PROHIBITED.

(a) A person is not liable for damages in a civil action for wrongful birth based on the claim that, but for an act or omission of the defendant, a child would not or should not have been born.

(b) A person is not liable in any civil action for wrongful life based on the claim that, but for an act or omission of the defendant, the claimant would not or should not have been born.

(c) This section applies to a claim regardless of whether the child who is the basis of the claim is born healthy or with a birth defect or other adverse medical condition.

(d) This section does not apply to a claim arising from:

(1) an intentional or grossly negligent act or omission, including an act or omission that violates a criminal law;

(2) a wrongful act or omission that caused:

(A) maternal death or injury; or

(B) a disability or disease of a child prior to

1 birth that would have been prevented, cured, or ameliorated in a
2 manner that preserved the health and life of the child; or

3 (3) a failed sterilization resulting in the birth of a
4 child.

5 (e) A claimant may only recover damages associated with
6 disability or disease of a child in a claim described by Subsection
7 (d)(2)(B).

8 SECTION 2. The change in law made by this Act applies only
9 to a cause of action that accrues on or after the effective date of
10 this Act. A cause of action that accrues before the effective date
11 of this Act is governed by the law applicable to the cause of action
12 immediately before the effective date of this Act, and that law is
13 continued in effect for that purpose.

14 SECTION 3. This Act takes effect September 1, 2015.