

By: Krause

H.B. No. 1901

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the withdrawal or withholding of life-sustaining
3 treatment from a pregnant patient.

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

5 SECTION 1. Section 166.049, Health and Safety Code, is
6 amended to read as follows:

7 Sec. 166.049. PREGNANT PATIENTS. (a) A person may not
8 withdraw or withhold life-sustaining treatment under this
9 subchapter from a pregnant patient. This section applies:

10 (1) regardless of whether there is irreversible
11 cessation of all spontaneous brain function of the pregnant
12 patient; and

13 (2) if the life-sustaining treatment is enabling the
14 unborn child to mature.

15 (b) The hospital or other applicable health care provider
16 shall notify the attorney general if the life-sustaining treatment
17 of a pregnant patient is at issue.

18 (c) Not later than 24 hours after receipt of the notice
19 under Subsection (b), the attorney general shall appoint an
20 attorney ad litem from the registry described by Subsection (d) to
21 represent the unborn child's interests under this section and
22 otherwise in any litigation or other matter regarding the health
23 care decisions made for the pregnant patient.

24 (d) The attorney general shall develop and maintain a

1 registry listing the identity of and contact information for
2 qualified attorneys in this state that have voluntarily notified
3 the attorney general of their willingness to serve, or have been
4 asked by the attorney general and have consented to serve, as
5 attorneys ad litem for the unborn child in litigation or other
6 matter regarding the health care decisions for a pregnant patient.

7 (e) In this section:

8 (1) "Health care provider" has the meaning assigned by
9 Section 166.004.

10 (2) "Unborn child" has the meaning assigned by Section
11 171.061.

12 SECTION 2. Section 166.098, Health and Safety Code, is
13 amended to read as follows:

14 Sec. 166.098. PREGNANT PERSONS. (a) A person may not
15 withhold cardiopulmonary resuscitation or certain other
16 life-sustaining treatment designated by the board under this
17 subchapter from a person known by the responding health care
18 professionals to be pregnant. This section applies:

19 (1) regardless of whether there is irreversible
20 cessation of all spontaneous brain function of the pregnant
21 patient; and

22 (2) if the life-sustaining treatment is enabling the
23 unborn child to mature.

24 (b) The hospital or other applicable health care provider
25 shall notify the attorney general if the life-sustaining treatment
26 of a pregnant patient is at issue.

27 (c) Not later than 24 hours after receipt of the notice

1 under Subsection (b), the attorney general shall appoint an
2 attorney ad litem from the registry described by Section 166.049(d)
3 to represent the unborn child's interests under this section and
4 otherwise in any litigation or other matter regarding the health
5 care decisions for the pregnant patient.

6 (d) In this section:

7 (1) "Health care provider" has the meaning assigned by
8 Section 166.004.

9 (2) "Unborn child" has the meaning assigned by Section
10 171.061.

11 SECTION 3. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2015.