

BILL ANALYSIS

S.B. 25
By: Creighton
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concerns have been raised that state law establishing wrongful birth liability may encourage health care providers to promote abortion in an effort to avoid liability. S.B. 25 seeks to address these concerns by prohibiting a cause of action from arising due to wrongful birth.

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

S.B. 25 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. The bill prohibits that prohibition from being construed to eliminate any duty of a physician or other health care practitioner under any other applicable law.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.