

By: Howard

H.B. No. 262

A BILL TO BE ENTITLED

AN ACT

1
2 relating to an exception from penalties for a physician's or health
3 care professional's professional judgment in providing certain
4 abortion services to patients.

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

6 SECTION 1. Subchapter A, Chapter 171, Health and Safety
7 Code, is amended by adding Section 171.006 to read as follows:

8 Sec. 171.006. PROFESSIONAL JUDGMENT EXCEPTION TO
9 PENALTIES. (a) In this section, "health care professional" means
10 an individual licensed, certified, or otherwise authorized to
11 administer health care in this state in the ordinary course of
12 business or professional practice. The term does not include a
13 health care facility.

14 (b) Notwithstanding Sections 171.018 and 171.064 of this
15 code and Chapters 164 and 165, Occupations Code, a health care
16 professional, including a physician, is not subject to an
17 administrative, civil, or criminal penalty for the professional's
18 failure to comply with Section 171.012(a)(1)(B)(iii),
19 171.012(a)(2)-(6), 171.013, or 171.063 as that section applies to a
20 specific patient if in the professional's good faith professional
21 judgment, compliance with that section in that patient's case would
22 be inconsistent with accepted, evidence-based medical practices
23 and ethical standards.

24 (c) This section does not affect the professional standard

1 of care applicable to a health care professional, including a
2 physician.

3 SECTION 2. This Act applies only to health care services
4 rendered on or after the effective date of this Act. Health care
5 services rendered before the effective date of this Act are
6 governed by the law in effect immediately before the effective date
7 of this Act, and that law continues in effect for that purpose.

8 SECTION 3. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2017.