

By: Simmons, et al.

H.B. No. 434

Substitute the following for H.B. No. 434:

By: Cook

C.S.H.B. No. 434

A BILL TO BE ENTITLED

AN ACT

relating to eliminating the wrongful birth cause of action.

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

SECTION 1. Title 4, Civil Practice and Remedies Code, is amended by adding Chapter 71A to read as follows:

CHAPTER 71A. PROHIBITED CAUSES OF ACTION

Sec. 71A.001. WRONGFUL BIRTH. (a) A cause of action may not arise, and damages may not be 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.

(b) This section may not be construed to eliminate any duty of a physician or other health care practitioner under any other applicable law.

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

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

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1 Act takes effect September 1, 2017.