

By: Klick

H.B. No. 2886

A BILL TO BE ENTITLED

AN ACT

1
2 relating to limiting the liability of certain health care
3 providers.

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

5 SECTION 1. Section 81.091, Health and Safety Code, is
6 amended by amending Subsection (g) and adding Subsection (g-1) to
7 read as follows:

8 (g) Except as provided by Subsection (g-1), a [A] person
9 commits an offense if the person is a physician or other person in
10 attendance on a pregnant woman either during pregnancy or at
11 delivery and fails to perform a duty required by this section. An
12 offense under this section is a Class B misdemeanor.

13 (g-1) A physician, nurse, midwife, or other person in
14 attendance at childbirth who is unable to apply the prophylaxis as
15 required by this section due to the objection of a parent, managing
16 conservator, or guardian of the newborn infant does not commit an
17 offense under this section and is not subject to criminal, civil, or
18 administrative liability or any professional disciplinary action
19 for failure to administer the prophylaxis. The physician, nurse,
20 midwife, or person shall ensure that the objection of the parent,
21 managing conservator, or guardian is entered into the medical
22 record of the infant.

23 SECTION 2. This Act takes effect September 1, 2017.