

By: Klick

H.B. No. 2886

A BILL TO BE ENTITLED

AN ACT

relating to limiting the liability of certain healthcare providers.

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

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

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

(g-1) A physician, nurse, midwife, or other person in attendance at childbirth who is unable to apply the prophylaxis due to the objection of the parents, managing conservator, or guardian of the newborn does not commit an offense under this section and may not be prosecuted for failure to administer the prophylaxis as required by this section. The physician, nurse, midwife, or other person in attendance at childbirth shall ensure that the objection of the parent, managing conservator, or guardian is entered into the medical record of the child. The parent, managing conservator, or guardian shall sign the entry.

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