

By: Cain

H.B. No. 3542

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the withdrawal or withholding of life-sustaining
3 treatment from a pregnant patient; affecting the prosecution of a
4 criminal offense.

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

6 SECTION 1. Section 166.049, Health and Safety Code, is
7 amended to read as follows:

8 Sec. 166.049. PREGNANT PATIENTS. (a) A person may not
9 withdraw or withhold life-sustaining treatment under this
10 subchapter from a pregnant patient. This section applies:

11 (1) regardless of whether there is irreversible
12 cessation of all spontaneous brain function of the pregnant
13 patient; and

14 (2) if the life-sustaining treatment is enabling the
15 unborn child to mature.

16 (b) The hospital or other applicable health care provider
17 shall notify the attorney general if the life-sustaining treatment
18 of a pregnant patient is at issue.

19 (c) Not later than 24 hours after receipt of the notice
20 under Subsection (b), the attorney general shall appoint an
21 attorney ad litem from the registry described by Subsection (d) to
22 represent the unborn child's interests under this section and
23 otherwise in any litigation or other matter regarding the health
24 care decisions made for the pregnant patient.

1 (d) The attorney general shall develop and maintain a
2 registry listing the identity of and contact information for
3 qualified attorneys in this state that have voluntarily notified
4 the attorney general of their willingness to serve, or have been
5 asked by the attorney general and have consented to serve, as
6 attorneys ad litem for the unborn child in any litigation or other
7 matter regarding the health care decisions for a pregnant patient.

8 (e) In this section:

9 (1) "Health care provider" has the meaning assigned by
10 Section 166.004.

11 (2) "Unborn child" has the meaning assigned by Section
12 171.061.

13 SECTION 2. Section 166.098, Health and Safety Code, is
14 amended to read as follows:

15 Sec. 166.098. PREGNANT PERSONS. (a) A person may not
16 withhold cardiopulmonary resuscitation or certain other
17 life-sustaining treatment designated by department rule under this
18 subchapter from a person known by the responding health care
19 professionals to be pregnant. This section applies:

20 (1) regardless of whether there is irreversible
21 cessation of all spontaneous brain function of the pregnant
22 patient; and

23 (2) if the life-sustaining treatment is enabling the
24 unborn child to mature.

25 (b) The hospital or other applicable health care provider
26 shall notify the attorney general if the life-sustaining treatment
27 of a pregnant patient is at issue.

1 (c) Not later than 24 hours after receipt of the notice
2 under Subsection (b), the attorney general shall appoint an
3 attorney ad litem from the registry described by Section [166.049](#)(d)
4 to represent the unborn child's interests under this section and
5 otherwise in any litigation or other matter regarding the health
6 care decisions for the pregnant patient.

7 (d) In this section:

8 (1) "Health care provider" has the meaning assigned by
9 Section [166.004](#).

10 (2) "Unborn child" has the meaning assigned by Section
11 [171.061](#).

12 SECTION 3. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section [39](#), Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2017.