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James White

FLOOR AMENDMENT NO._____ BY: Heffner

Amend C.S.H.B. No. 3 (house committee printing) as follows:

(1) On page 8, between lines 2 and 3, insert the following:

Sec. 418A.0045. LIMITATIONS ON MEDICAL PROCEDURES. (a) In this section, "nonelective medical procedure" means a medical procedure, including a surgery, a physical exam, a diagnostic test, a screening, the performance of a laboratory test, and the collection of a specimen to perform a laboratory test, that if not performed within a reasonable time may, as determined in good faith by a patient's physician, result in:

(1) the patient's loss of life; or

(2) a deterioration, complication, or progression of the patient's current or potential medical condition or disorder, including a physical condition or mental disorder.

(b) The governor during a declared state of pandemic disaster may not issue an executive order, proclamation, or regulation that limits or prohibits a nonelective medical procedure.

(c) The governor during a declared state of pandemic disaster may issue an executive order, proclamation, or regulation imposing a temporary limitation or prohibition on a medical procedure other than a nonelective medical procedure only if the limitation or prohibition is reasonably necessary to conserve resources for nonelective medical procedures or resources needed for disaster response. An executive order, proclamation, or regulation issued under this subsection may not continue for more than 15 days unless renewed by the governor.

(d) A person subject to an executive order, proclamation, or regulation issued under this section who in good faith acts or fails to act in accordance with that order, proclamation, or regulation

is not civilly or criminally liable and is not subject to disciplinary action for that act or failure to act.

(e) The immunity provided by Subsection (d) is in addition to any other immunity or limitation of liability provided by law.

(f) Notwithstanding any other law, this section does not create a civil, criminal, or administrative cause of action or liability or create a standard of care, obligation, or duty that provides the basis for a cause of action for an act or omission under this section.

(2) On page 10, line 10, immediately following the underlined semicolon, insert "or".

(3) On page 10, line 11, strike "; or" and substitute an underlined period.

(4) On page 10, strike lines 12-14.

(5) Add the following appropriately numbered SECTION to the bill and renumber SECTIONS of the bill accordingly:

SECTION ___. Section 418A.0045, Government Code, as added by this Act, applies only to an order, proclamation, or regulation issued on or after the effective date of this Act.