

By: Toth

H.B. No. 1623

A BILL TO BE ENTITLED

AN ACT

relating to personhood rights for born and preborn human beings.

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

SECTION 1. Title 1, Health and Safety Code, is amended by adding Chapter 2 to read as follows:

CHAPTER 2. PERSONHOOD RIGHTS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 2.001. DEFINITIONS. In this chapter:

(1) "Assisted reproduction" has the meaning assigned by Section 160.102, Family Code.

(2) "Human embryo" means a genetically complete living organism of the species Homo sapiens, from the single-cell fertilized egg to the blastocyst stage.

Sec. 2.002. LEGISLATIVE FINDINGS. Regarding the sanctity of life, the legislature finds:

(1) the July 4, 1776, Declaration of Independence is one of the organic laws of the United States;

(2) all persons are endowed by their Creator with certain unalienable rights;

(3) personhood is God-given, as all persons are created in the image of God; and

(4) a human being is a person at fertilization.

Sec. 2.003. CONSTRUCTION OF CHAPTER. This chapter may not be construed to prohibit:

1           (1) a licensed physician from performing a medical  
2 procedure or providing medical treatment designed or intended to  
3 prevent the death of a pregnant woman in accordance with Section  
4 2.052;

5           (2) contraception to prevent fertilization; or

6           (3) in vitro fertilization or other assisted  
7 reproduction.

8           Sec. 2.004. CONFLICT OF LAWS. This chapter prevails over  
9 other law to the extent of any conflict.

10                   SUBCHAPTER B. PERSONHOOD RIGHTS

11           Sec. 2.051. VESTMENT OF RIGHTS. (a) The right to life for  
12 each born and preborn human being vests at fertilization.

13           (b) Due process rights guaranteed by the laws of this state  
14 for each born and preborn human being vest at fertilization.

15           Sec. 2.052. MEDICAL TREATMENT ON PREGNANT WOMEN TO PREVENT  
16 DEATH; ENFORCEMENT. (a) While providing to a pregnant woman  
17 treatment designed or intended to prevent the death of the woman, a  
18 physician shall make reasonable medical efforts under the  
19 circumstances to preserve the life of both the woman and the preborn  
20 human being in a manner consistent with accepted medical standards.

21           (b) An accidental or unintentional injury or death to a  
22 preborn human being does not violate this chapter.

23           (c) The threat of a pregnant woman's death may not be based  
24 on:

25           (1) a diagnosis or claim of a mental or emotional  
26 condition of the woman; or

27           (2) a diagnosis or claim that the woman will

1 purposefully engage in conduct that she intends will result in her  
2 death.

3 (d) This section may not be construed to authorize the  
4 intentional killing of a preborn human being.

5 (e) The Texas Medical Board may take a disciplinary action  
6 authorized under Subtitle B, Title 3, Occupations Code, against a  
7 physician who violates this chapter as if the physician violated  
8 Subtitle B, Title 3, Occupations Code.

9 Sec. 2.053. EMBRYO DISPUTE STANDARDS. In a dispute between  
10 any persons regarding an unimplanted human embryo created using  
11 assisted reproduction, the court shall resolve the dispute in  
12 accordance with the best interests of the embryo.

13 SECTION 2. Section 2.053, Health and Safety Code, as added  
14 by this Act, applies only to a cause of action that accrues on or  
15 after the effective date of this Act.

16 SECTION 3. This Act takes effect September 1, 2021.