By:  A. Johnson of Harris, Leach, Slawson H.B. No. 3058

     (Senate Sponsor - Hughes)

(In the Senate - Received from the House May 15, 2023; May 17, 2023, read first time and referred to Committee on State Affairs; May 19, 2023, reported adversely, with favorable Committee Substitute by the following vote: Yeas 9, Nays 0; May 19, 2023, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Hughes          X

Paxton          X

Bettencourt     X

Birdwell                  X

LaMantia        X

Menéndez        X

Middleton       X

Parker          X

Perry           X

Schwertner      X

Zaffirini                 X

COMMITTEE SUBSTITUTE FOR H.B. No. 3058 By:  Hughes

A BILL TO BE ENTITLED

AN ACT

relating to the provision of certain medical treatment to a pregnant woman by a physician or health care provider.

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

SECTION 1.  Chapter 74, Civil Practice and Remedies Code, is amended by adding Subchapter L to read as follows:

SUBCHAPTER L. ACTIONS ARISING FROM PREGNANCY COMPLICATIONS

Sec. 74.551.  APPLICATION. An action to which Section 74.552 applies is a health care liability claim for purposes of this chapter and is subject to the same requirements as any other health care liability claim.

Sec. 74.552.  AFFIRMATIVE DEFENSE IN CERTAIN ACTIONS ARISING FROM CERTAIN PREGNANCY COMPLICATIONS. (a) It is an affirmative defense to liability in a civil action brought against a physician or health care provider for a violation of Section 170A.002, Health and Safety Code, including an action to recover a civil penalty under Section 170A.005, Health and Safety Code, that the physician or health care provider exercised reasonable medical judgment in providing medical treatment to a pregnant woman in response to:

(1)  an ectopic pregnancy at any location; or

(2)  a previable premature rupture of membranes.

(b)  A pharmacist or pharmacy that receives, processes, or dispenses a prescription drug or medication order written by a physician or health care provider to whom Subsection (a) applies is entitled to the affirmative defense provided by Subsection (a).

(c)  This section does not create a civil cause of action.

SECTION 2.  Section 164.055, Occupations Code, is amended by adding Subsection (c) to read as follows:

(c)  Notwithstanding Subsection (a), the board may not take disciplinary action against a physician who exercised reasonable medical judgment in providing medical treatment to a pregnant woman as described by Section 74.552, Civil Practice and Remedies Code.

SECTION 3.  Subchapter C, Chapter 9, Penal Code, is amended by adding Section 9.35 to read as follows:

Sec. 9.35.  CERTAIN MEDICAL TREATMENT PROVIDED TO PREGNANT WOMAN. A physician or health care provider is justified in exercising reasonable medical judgment in providing medical treatment to a pregnant woman as described by Section 74.552, Civil Practice and Remedies Code.

SECTION 4.  This Act takes effect September 1, 2023.

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