By:  Zwiener H.B. No. 5071

A BILL TO BE ENTITLED

AN ACT

Relating to privacy protections for individuals experiencing pregnancy loss.

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

SECTION 1.  Subtitle H, Title 2, Health and Safety Code, is amended by adding Chapter 174 to read as follows:

CHAPTER 174. PROHIBITED REPORT, DISCLOSURE, AND CRIMINAL OFFENSE ENFORCEMENT AND PREGNANCY LOSS

Sec. 174.001.  APPLICABILITY. This chapter applies to the loss of a pregnancy that occurs intentionally or unintentionally.

Sec. 174.002.  PROHIBITED REPORT OR DISCLOSURE OF PREGNANCY LOSS BY HEALTH CARE PROVIDERS. (a) Notwithstanding any other law, a physician or other health care provider who provides health care services to a patient who experiences a pregnancy loss or who the physician or provider suspects may have experienced a pregnancy loss is prohibited from reporting or disclosing that information to a peace officer or law enforcement agency.

(b)  The report or disclosure of information prohibited under Subsection (a) by a physician or other health care provider constitutes a violation of Chapter 181 and the physician or provider is subject to enforcement actions under Subchapter E of that chapter, including disciplinary action by the appropriate licensing authority.

Sec. 174.003.  PROHIBITED REPORT TO LAW ENFORCEMENT FOR PREGNANCY LOSS. Notwithstanding any other law, an individual experiencing pregnancy loss to which this chapter applies may not be used by a person as the basis for filing:

(1)  A child abuse report under Chapter 261. Family Code; or

(2)  A report with a peace officer or law enforcement agency.

Sec. 174.004.  PROHIBITED ENFORCEMENT AND INVESTIGATION OF CRIMINAL OFFENSE. (a) A physician's or other health care provider's treatment for the complications of a pregnancy loss does not constitute probably cause for an arrest of an individual for an offense under:

(1)  Chapter 170A;

(2)  Chapter 171; or

(3)  Chapter 6-1/2, Title 71, Revised Statutes.

Sec. 174.005.  PROHIBITED ENFORCEMENT AND INVESTIGATION OF CRIMINAL OFFENSE. (a) Notwithstanding any other law, an individual experiencing pregnancy loss to which this chapter applies may not be used by a peace officer or law enforcement agency as the basis for:

(1)  Probable cause for arrest or detainment; or

(2)  Compelling questioning in pursuit of an investigation of the individual experiencing pregnancy loss or that of another in relation to the individual experiencing pregnancy loss; or

(3)  A warrant for existing medical records or electronic communications of the individual experiencing pregnancy loss.

(b)  This section applies to but is not limited to offenses under:

(1)  Chapter 170A;

(2)  Chapter 171; or

(3)  Chapter 6-1/2, Title 71, Revised Statutes.

Sec. 174.006.  PROTECTIONS FOR PRIVATE RECORDS. (a) For lawsuits related to pregnancy loss, including but not limited to under Section 171.208, an individual who has experience pregnancy loss shall not be compelled to:

(1)  Testify or give deposition

(2)  Release private medical records or electronic communications

(b)  A court may not order the release of private medical records or electronic communications from a person who experienced pregnancy loss.

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