

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

1 entitled to the affirmative defense provided by Subsection (a).

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

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

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

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

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

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

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President of the Senate

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Speaker of the House

I certify that H.B. No. 3058 was passed by the House on May 12, 2023, by the following vote: Yeas 109, Nays 31, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 3058 on May 26, 2023, by the following vote: Yeas 128, Nays 12, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 3058 was passed by the Senate, with amendments, on May 24, 2023, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor