

By: Cook

H.B. No. 3381

A BILL TO BE ENTITLED

1 AN ACT

2 relating to creating the criminal offense of misrepresenting
3 medical history to obtain unnecessary medical treatment for a
4 child, elderly individual, or disabled individual.

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

6 SECTION 1. This Act shall be known as Alyssa's Law.

7 SECTION 2. Chapter 22, Penal Code, is amended by adding
8 Section 22.042 to read as follows:

9 Sec. 22.042. MISREPRESENTING MEDICAL HISTORY TO OBTAIN
10 UNNECESSARY MEDICAL TREATMENT FOR CHILD, ELDERLY INDIVIDUAL, OR
11 DISABLED INDIVIDUAL. (a) In this section:

12 (1) "Child" means a person younger than 18 years of
13 age.

14 (2) "Disabled individual" and "elderly individual"
15 have the meanings assigned by Section 22.04.

16 (3) "Health care institution or provider" means a
17 health care institution or a health care provider, as those terms
18 are defined by Section 74.001, Civil Practice and Remedies Code, or
19 an affiliate, as defined by that section, of a health care
20 institution or health care provider.

21 (4) "Medical history" means any oral, written, or
22 electronic communication regarding an individual's current or
23 previous symptoms, diagnoses, or family medical history. The term
24 does not include a communication regarding an individual's

1 vaccination history.

2 (b) A person commits an offense if:

3 (1) the person knowingly misrepresents the medical
4 history of a child, elderly individual, or disabled individual to a
5 health care institution or provider with the intent to obtain
6 unnecessary medical treatment for the child, elderly individual, or
7 disabled individual; and

8 (2) the unnecessary medical treatment for the child,
9 elderly individual, or disabled individual obtained by
10 misrepresentation under Subdivision (1) causes the child, elderly
11 individual, or disabled individual to suffer:

12 (A) bodily injury; or

13 (B) mental deficiency, impairment, or injury.

14 (c) An offense under this section is a felony of the third
15 degree.

16 SECTION 3. The change in law made by this Act applies only
17 to an offense committed on or after the effective date of this Act.
18 An offense committed before the effective date of this Act is
19 governed by the law in effect on the date the offense was committed,
20 and the former law is continued in effect for that purpose. For
21 purposes of this section, an offense was committed before the
22 effective date of this Act if any element of the offense occurred
23 before that date.

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