

By: Hall

S.B. No. 1198

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the statute of limitations on a health care liability
3 claim involving certain gender modification drugs provided to and
4 procedures performed on a minor.

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

6 SECTION 1. Section 74.251, Civil Practice and Remedies
7 Code, is amended to read as follows:

8 Sec. 74.251. GENERAL STATUTE OF LIMITATIONS AND REPOSE ON
9 HEALTH CARE LIABILITY CLAIMS. (a) Notwithstanding any other law,
10 except as provided by Section 74.252, and subject to Subsection
11 (b), no health care liability claim may be commenced unless the
12 action is filed within two years from the occurrence of the breach
13 or tort or from the date the medical or health care treatment that
14 is the subject of the claim or the hospitalization for which the
15 claim is made is completed; provided that, minors under the age of
16 12 years shall have until their 14th birthday in which to file, or
17 have filed on their behalf, the claim. Except as herein provided
18 this section applies to all persons regardless of minority or other
19 legal disability.

20 (b) Except for a health care liability claim described by
21 Section 74.252, a [A] claimant must bring a health care liability
22 claim not later than 10 years after the date of the act or omission
23 that gives rise to the claim. This subsection is intended as a
24 statute of repose so that all claims must be brought within 10 years

1 or they are time barred.

2 SECTION 2. Subchapter F, Chapter 74, Civil Practice and
3 Remedies Code, is amended by adding Section 74.252 to read as
4 follows:

5 Sec. 74.252. STATUTE OF LIMITATIONS ON HEALTH CARE
6 LIABILITY CLAIMS INVOLVING CERTAIN GENDER MODIFICATION DRUGS AND
7 PROCEDURES. A claimant must bring a health care liability claim not
8 later than the claimant's 20th birthday if:

9 (1) the claimant is a minor at the time the cause of
10 action accrues; and

11 (2) the basis for the claim is malpractice in the
12 provision of a puberty suppression prescription drug or cross-sex
13 hormone to or the performance of surgery or another medical
14 procedure on the minor for the purpose of gender transitioning or
15 gender reassignment.

16 SECTION 3. The changes in law made by this Act apply only to
17 a cause of action that accrues on or after the effective date of
18 this Act.

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