

By: Hull

H.B. No. 2072

A BILL TO BE ENTITLED

AN ACT

1
2 relating to advance directives and health care and treatment
3 decisions to withhold or withdraw life-sustaining treatment;
4 creating a criminal offense.

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

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

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

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

21 Sec. 74.252. EXCEPTIONS. Notwithstanding any other law, a
22 health care liability claim arising from withholding or withdrawing
23 life-sustaining treatment from a patient in violation of Subchapter
24 B, Chapter 166, Health and Safety Code, is not subject to a

1 limitations period.

2 SECTION 3. Subchapter G, Chapter 74, Civil Practice and
3 Remedies Code, is amended by adding Section 74.304 to read as
4 follows:

5 Sec. 74.304. EXCEPTIONS. This subchapter does not apply to
6 a health care liability claim arising from the withholding or
7 withdrawing of life-sustaining treatment from a patient in
8 violation of Subchapter B, Chapter 166, Health and Safety Code.

9 SECTION 4. Section 166.045(a), Health and Safety Code, is
10 amended to read as follows:

11 (a) Except as provided by Section 166.048(c), a [A]
12 physician, health care facility, or health care professional who
13 has no knowledge of a directive is not civilly or criminally liable
14 for failing to act in accordance with the directive.

15 SECTION 5. Section 166.048, Health and Safety Code, is
16 amended by adding Subsections (c) and (d) to read as follows:

17 (c) Regardless of knowledge of a directive, a person commits
18 an offense if the person causes a patient's death by withdrawing or
19 withholding life-sustaining treatment from the patient:

20 (1) contrary to:

21 (A) the patient's validly executed or issued
22 directive; or

23 (B) a health care or treatment decision made by
24 the patient or on behalf of the patient by a person authorized to
25 make such decisions under this chapter; and

26 (2) in violation of Section 166.045(c) or 166.046.

27 (d) An offense under Subsection (c) is a felony of the first

1 degree.

2 SECTION 6. Sections 74.252 and 74.304, Civil Practice and
3 Remedies Code, as added by this Act, apply only to a cause of action
4 that accrues on or after the effective date of this Act.

5 SECTION 7. Section 166.048, Health and Safety Code, as
6 amended by this Act, applies only to an offense committed on or
7 after the effective date of this Act. An offense committed before
8 the effective date of this Act is governed by the law in effect on
9 the date the offense was committed, and the former law is continued
10 in effect for that purpose. For purposes of this section, an
11 offense was committed before the effective date of this Act if any
12 element of the offense occurred before that date.

13 SECTION 8. This Act takes effect September 1, 2025.