

By: Eckhardt, et al.

S.B. No. 2961

A BILL TO BE ENTITLED

AN ACT

relating to wrongful death actions arising from the death of an unborn child resulting from an abortion.

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

SECTION 1. Section 71.003(c), Civil Practice and Remedies Code, is amended to read as follows:

(c) This subchapter does not apply to a claim for the death of an individual who is an unborn child that:

(1) is brought against:

(A) ~~[(1)]~~ the mother of the unborn child;

(B) ~~[(2)]~~ a physician or other licensed health care provider, if the death is the intended result of a lawful medical procedure performed by the physician or health care provider with the requisite consent;

(C) ~~[(3)]~~ a person who dispenses or administers a drug in accordance with law, if the death is the result of the dispensation or administration of the drug; or

(D) ~~[(4)]~~ a physician or other health care provider licensed in this state, if the death directly or indirectly is caused by, associated with, arises out of, or relates to a lawful medical or health care practice or procedure of the physician or the health care provider; or

(2) is the result of an abortion, as defined by Section 245.002, Health and Safety Code.

1 SECTION 2. Section 71.003, Civil Practice and Remedies
2 Code, as amended by this Act, applies only to a cause of action that
3 accrues on or after the effective date of this Act. A cause of
4 action that accrues before the effective date of this Act is
5 governed by the law as it existed immediately before the effective
6 date of this Act, and that law is continued in effect for that
7 purpose.

8 SECTION 3. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2025.