A BILL TO BE ENTITLED
AN ACT
relating to the withdrawal or withholding of life-sustaining
treatment from a pregnant patient; affecting the prosecution of a
criminal offense.

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

SECTION 1. Section 166.049, Health and Safety Code, is
amended to read as follows:

Sec. 166.049. PREGNANT PATIENTS. (a) A person may not
withdraw or withhold life-sustaining treatment under this
subchapter from a pregnant patient. This section applies:
(1) regardless of whether there is irreversible
cessation of all spontaneous brain function of the pregnant
patient; and
(2) if the life-sustaining treatment is enabling the
unborn child to mature.
(b) The hospital or other applicable health care provider
shall notify the attorney general if the life-sustaining treatment
of a pregnant patient is at issue.
(c) Not later than 24 hours after receipt of the notice
under Subsection (b), the attorney general shall appoint an
attorney ad litem from the registry described by Subsection (d) to
represent the unborn child’s interests under this section and
otherwise in any litigation or other matter regarding the health
care decisions made for the pregnant patient.
(d) The attorney general shall develop and maintain a registry listing the identity of and contact information for qualified attorneys in this state that have voluntarily notified the attorney general of their willingness to serve, or have been asked by the attorney general and have consented to serve, as attorneys ad litem for the unborn child in any litigation or other matter regarding the health care decisions for a pregnant patient.

(e) In this section:

(1) "Health care provider" has the meaning assigned by Section 166.004.

(2) "Unborn child" has the meaning assigned by Section 171.061.

SECTION 2. Section 166.098, Health and Safety Code, is amended to read as follows:

Sec. 166.098. PREGNANT PERSONS. (a) A person may not withhold cardiopulmonary resuscitation or certain other life-sustaining treatment designated by department rule under this subchapter from a person known by the responding health care professionals to be pregnant. This section applies:

(1) regardless of whether there is irreversible cessation of all spontaneous brain function of the pregnant patient; and

(2) if the life-sustaining treatment is enabling the unborn child to mature.

(b) The hospital or other applicable health care provider shall notify the attorney general if the life-sustaining treatment of a pregnant patient is at issue.
(c) Not later than 24 hours after receipt of the notice under Subsection (b), the attorney general shall appoint an attorney ad litem from the registry described by Section 166.049(d) to represent the unborn child's interests under this section and otherwise in any litigation or other matter regarding the health care decisions for the pregnant patient.

(d) In this section:

(1) "Health care provider" has the meaning assigned by Section 166.004.

(2) "Unborn child" has the meaning assigned by Section 171.061.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.