

BILL ANALYSIS

H.B. 4199
By: Flynn
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concerns have been raised that suits involving claims of wrongful birth can be harmful to children with disabilities and may expose medical personnel to liability for a disability which they did not cause or over which they did not have control. H.B. 4199 seeks to mitigate these issues by prohibiting cause of action based on claims of wrongful birth.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 4199 amends the Civil Practice and Remedies Code to prohibit a cause of action from arising or the award of damages on behalf of any person based on the claim that but for the act or omission of another, a person would not have been permitted to have been born alive but would have been aborted. The bill expressly prohibits its provisions from being construed to eliminate any duty of a physician or other health care practitioner under any other applicable law.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.