

BILL ANALYSIS

Senate Research Center

H.B. 1592
By: Nixon (Janek)
Criminal Justice
5/22/2003
Engrossed

DIGEST AND PURPOSE

H.B. 1592 establishes that it is an offense for a person licensed or regulated under the Medical Practice Act to perform a procedure while intoxicated.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter D, Chapter 165, Occupations Code, by adding Section 165.1535, as follows:

Sec. 165.1535. PERFORMING SURGERY WHILE INTOXICATED. (a) Defines "intoxicated."

(b) Provides that a person commits an offense if the person is licensed or regulated under this subtitle, performs surgery on a patient while intoxicated, and, by reason of that conduct, places the patient at a substantial and unjustifiable risk of harm.

(c) Specifies that an offense under this section is a state jail felony.

(d) Provides that it is an affirmative defense to prosecution under this section that the actor performed the surgery in an emergency. Defines "emergency."

SECTION 2. This Act takes effect September 1, 2003.