

AN ACT

relating to the establishment of the offense of performing surgery while intoxicated.

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

SECTION 1. Subchapter D, Chapter 165, Occupations Code, is amended by adding Section 165.1535 to read as follows:

Sec. 165.1535. PERFORMING SURGERY WHILE INTOXICATED. (a)

In this section, "intoxicated" has the meaning assigned by Section 49.01, Penal Code.

(b) 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) An offense under this section is a state jail felony.

(d) It is an affirmative defense to prosecution under this section that the actor performed the surgery in an emergency. In this subsection, "emergency" means a condition or circumstance in which a reasonable person with education and training similar to that of the actor would assume that the person on whom the surgery was performed was in imminent danger of serious bodily injury or death.

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

David Swinhurst

President of the Senate

Jim Caddick

Speaker of the House

I certify that H.B. No. 1592 was passed by the House on April 9, 2003, by a non-record vote.

Robert Haney  
Chief Clerk of the House

I certify that H.B. No. 1592 was passed by the Senate on May 28, 2003, by the following vote: Yeas 31, Nays 0.

Dating Daw  
Secretary of the Senate

APPROVED: 20 JUN '03

Date

Rick Peery  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
10:30 PM O'CLOCK

JUN 20 2003  
Ann Shea  
Secretary of State