

By: Toth

H.B. No. 69

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting abortion at or after 12 weeks post-fertilization.

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

SECTION 1. The heading to Subchapter C, Chapter 171, Health and Safety Code, is amended to read as follows:

SUBCHAPTER C. ABORTION PROHIBITED AT OR AFTER 12 [~~20~~] WEEKS

POST-FERTILIZATION

SECTION 2. Section 171.044, Health and Safety Code, is amended to read as follows:

Sec. 171.044. ABORTION OF UNBORN CHILD OF 12 [~~20~~] OR MORE WEEKS POST-FERTILIZATION AGE PROHIBITED. Except as otherwise provided by Section 171.046, a person may not perform or induce or attempt to perform or induce an abortion on a woman if it has been determined, by the physician performing, inducing, or attempting to perform or induce the abortion or by another physician on whose determination that physician relies, that the probable post-fertilization age of the unborn child is 12 [~~20~~] or more weeks.

SECTION 3. Section 171.045(a), Health and Safety Code, is amended to read as follows:

(a) This section applies only to an abortion authorized under Section 171.046(a)(1) or (2) in which:

(1) the probable post-fertilization age of the unborn child is 12 [~~20~~] or more weeks; or

1           (2) the probable post-fertilization age of the unborn  
2 child has not been determined but could reasonably be 12 [~~20~~] or  
3 more weeks.

4           SECTION 4. Section 171.046(a), Health and Safety Code, is  
5 amended to read as follows:

6           (a) The prohibitions and requirements under Sections  
7 171.043, 171.044, and 171.045(b) do not apply to an abortion  
8 performed if there exists a condition that, in the physician's  
9 reasonable medical judgment, so complicates the medical condition  
10 of the woman that, to avert the woman's death or a serious risk of  
11 substantial and irreversible physical impairment of a major bodily  
12 function, other than a psychological condition, it necessitates, as  
13 applicable:

14           (1) the immediate abortion of her pregnancy without  
15 the delay necessary to determine the probable post-fertilization  
16 age of the unborn child;

17           (2) the abortion of her pregnancy even though the  
18 post-fertilization age of the unborn child is 12 [~~20~~] or more weeks;  
19 or

20           (3) the use of a method of abortion other than a method  
21 described by Section 171.045(b).

22           SECTION 5. The change in law made by this Act applies only  
23 to an abortion performed, induced, or attempted on or after the  
24 effective date of this Act. An abortion performed, induced, or  
25 attempted before the effective date of this Act is governed by the  
26 law in effect on the date the abortion was performed, induced, or  
27 attempted, and the former law is continued in effect for that

1 purpose.

2 SECTION 6. This Act takes effect September 1, 2021.