

By: Leach

H.B. No. 1909

A BILL TO BE ENTITLED

AN ACT

relating to the protection of pregnancy resource centers as essential businesses.

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

SECTION 1. Subtitle H, Title 10, Government Code, is amended by adding Chapter 2402 to read as follows:

CHAPTER 2402. PROTECTION OF PREGNANCY RESOURCE CENTERS

Sec. 2402.001. DEFINITIONS. In this chapter:

(1) "Disaster" has the meaning assigned by Section 418.004.

(2) "Governmental entity" has the meaning assigned by Section 2252.001.

(3) "Public health disaster" has the meaning assigned by Section 81.003, Health and Safety Code.

Sec. 2402.002. ESSENTIAL BUSINESS; PROHIBITED RESTRICTIONS. (a) A pregnancy resource center is considered an essential business at all times in this state, including during a declared state of disaster or public health disaster, and the center's services are considered essential regardless of whether the services are listed as essential or included in a category of services allowed to operate in an order issued under Chapter 418 or Chapter 81, Health and Safety Code.

(b) An order issued under Chapter 418 or Chapter 81, Health and Safety Code, may not:

1 (1) prohibit a pregnancy resource center from
2 continuing to operate in the discharge of the center's purpose; or

3 (2) require a pregnancy resource center to close.

4 (c) This section does not prohibit a governmental entity
5 from closing an individual pregnancy resource center in relation to
6 an allegation of criminal activity at the center or a violation of
7 law protecting public health and safety by the center.

8 Sec. 2402.003. RELIEF AVAILABLE. (a) A person may assert
9 an actual or threatened violation of Section 2402.002 as a claim or
10 defense in a judicial or administrative proceeding and obtain:

11 (1) injunctive relief;

12 (2) declaratory relief; and

13 (3) court costs and reasonable attorney's fees.

14 (b) Notwithstanding any other law, a person may commence an
15 action under this section and relief may be granted regardless of
16 whether the person has sought or exhausted available administrative
17 remedies.

18 Sec. 2402.004. IMMUNITY WAIVED. A person who alleges a
19 violation of Section 2402.002 may sue for the relief provided under
20 Section 2402.003. Sovereign or governmental immunity, as
21 applicable, is waived and abolished to the extent of liability for
22 that relief.

23 Sec. 2402.005. ATTORNEY GENERAL ACTION; INTERVENTION IN
24 PROCEEDING. (a) The attorney general may bring an action for
25 injunctive or declaratory relief to enforce compliance with this
26 chapter.

27 (b) This section may not be construed to deny, impair, or

1 otherwise affect any authority of the attorney general or a
2 governmental entity acting under other law to institute or
3 intervene in a proceeding.

4 (c) The attorney general may not recover expenses incurred
5 in bringing, instituting, or intervening in an action under this
6 section.

7 SECTION 2. Chapter 2402, Government Code, as added by this
8 Act, applies only to a cause of action that accrues on or after the
9 effective date of this Act. A cause of action that accrued before
10 the effective date of this Act is governed by the law in effect
11 immediately before the effective date of this Act, and that law is
12 continued in effect for that purpose.

13 SECTION 3. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2021.