

By: Hefner

H.B. No. 2727

A BILL TO BE ENTITLED

AN ACT

relating to voluntary and informed consent to an abortion.

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

SECTION 1. Section 171.012(a), Health and Safety Code, is amended to read as follows:

(a) Consent to an abortion is voluntary and informed only if:

(1) the physician who is to perform the abortion informs the pregnant woman on whom the abortion is to be performed of:

(A) the physician's name;

(B) the particular medical risks associated with the particular abortion procedure to be employed, including, when medically accurate:

(i) the risks of infection and hemorrhage;

(ii) the potential danger to a subsequent pregnancy and of infertility; and

(iii) the possibility of increased risk of breast cancer following an induced abortion and the natural protective effect of a completed pregnancy in avoiding breast cancer;

(C) the probable gestational age of the unborn child at the time the abortion is to be performed; and

(D) the medical risks associated with carrying

1 the child to term;

2 (2) the physician who is to perform the abortion or the
3 physician's agent informs the pregnant woman that:

4 (A) medical assistance benefits may be available
5 for prenatal care, childbirth, and neonatal care;

6 (B) the father is liable for assistance in the
7 support of the child without regard to whether the father has
8 offered to pay for the abortion; ~~and~~

9 (C) public and private agencies provide
10 pregnancy prevention counseling and medical referrals for
11 obtaining pregnancy prevention medications or devices, including
12 emergency contraception for victims of rape or incest; and

13 (D) a person commits a criminal offense if the
14 person causes or threatens bodily injury to a pregnant woman to
15 force the woman to have an abortion;

16 (3) the physician who is to perform the abortion or the
17 physician's agent:

18 (A) provides the pregnant woman with the printed
19 materials described by Section 171.014; and

20 (B) informs the pregnant woman that those
21 materials:

22 (i) have been provided by the Department of
23 State Health Services;

24 (ii) are accessible on an Internet website
25 sponsored by the department;

26 (iii) describe the unborn child and list
27 agencies that offer alternatives to abortion; and

1 (iv) include a list of agencies that offer
2 sonogram services at no cost to the pregnant woman;

3 (4) before any sedative or anesthesia is administered
4 to the pregnant woman and at least 24 hours before the abortion or
5 at least two hours before the abortion if the pregnant woman waives
6 this requirement by certifying that she currently lives 100 miles
7 or more from the nearest abortion provider that is a facility
8 licensed under Chapter 245 or a facility that performs more than 50
9 abortions in any 12-month period:

10 (A) the physician who is to perform the abortion
11 or an agent of the physician who is also a sonographer certified by
12 a national registry of medical sonographers performs a sonogram on
13 the pregnant woman on whom the abortion is to be performed;

14 (B) the physician who is to perform the abortion
15 displays the sonogram images in a quality consistent with current
16 medical practice in a manner that the pregnant woman may view them;

17 (C) the physician who is to perform the abortion
18 provides, in a manner understandable to a layperson, a verbal
19 explanation of the results of the sonogram images, including a
20 medical description of the dimensions of the embryo or fetus, the
21 presence of cardiac activity, and the presence of external members
22 and internal organs; and

23 (D) the physician who is to perform the abortion
24 or an agent of the physician who is also a sonographer certified by
25 a national registry of medical sonographers makes audible the heart
26 auscultation for the pregnant woman to hear, if present, in a
27 quality consistent with current medical practice and provides, in a

1 manner understandable to a layperson, a simultaneous verbal
2 explanation of the heart auscultation;

3 (5) before receiving a sonogram under Subdivision
4 (4)(A) and before the abortion is performed and before any sedative
5 or anesthesia is administered, the pregnant woman completes and
6 certifies with her signature an election form that states as
7 follows:

8 "ABORTION AND SONOGRAM ELECTION

9 (1) THE INFORMATION AND PRINTED MATERIALS DESCRIBED BY
10 SECTIONS [171.012\(a\)\(1\)-\(3\)](#), TEXAS HEALTH AND SAFETY CODE, HAVE BEEN
11 PROVIDED AND EXPLAINED TO ME.

12 (2) I UNDERSTAND THE NATURE AND CONSEQUENCES OF AN
13 ABORTION.

14 (3) TEXAS LAW REQUIRES THAT I RECEIVE A SONOGRAM PRIOR
15 TO RECEIVING AN ABORTION.

16 (4) I UNDERSTAND THAT I HAVE THE OPTION TO VIEW THE
17 SONOGRAM IMAGES.

18 (5) I UNDERSTAND THAT I HAVE THE OPTION TO HEAR THE
19 HEARTBEAT.

20 (6) I UNDERSTAND THAT I AM REQUIRED BY LAW TO HEAR AN
21 EXPLANATION OF THE SONOGRAM IMAGES UNLESS I CERTIFY IN WRITING TO
22 ONE OF THE FOLLOWING:

23 I AM PREGNANT AS A RESULT OF A SEXUAL ASSAULT,
24 INCEST, OR OTHER VIOLATION OF THE TEXAS PENAL CODE THAT HAS BEEN
25 REPORTED TO LAW ENFORCEMENT AUTHORITIES OR THAT HAS NOT BEEN
26 REPORTED BECAUSE I REASONABLY BELIEVE THAT DOING SO WOULD PUT ME AT
27 RISK OF RETALIATION RESULTING IN SERIOUS BODILY INJURY.

1 ___ I AM A MINOR AND OBTAINING AN ABORTION IN ACCORDANCE
2 WITH JUDICIAL BYPASS PROCEDURES UNDER CHAPTER 33, TEXAS FAMILY
3 CODE.

4 ___ MY FETUS HAS AN IRREVERSIBLE MEDICAL CONDITION OR
5 ABNORMALITY, AS IDENTIFIED BY RELIABLE DIAGNOSTIC PROCEDURES AND
6 DOCUMENTED IN MY MEDICAL FILE.

7 (7) I UNDERSTAND THAT A PERSON VIOLATES THE TEXAS
8 PENAL CODE BY CAUSING OR THREATENING BODILY INJURY TO A PREGNANT
9 WOMAN TO FORCE THE WOMAN TO HAVE AN ABORTION AND THAT I HAVE A RIGHT
10 TO CONTACT ANY LOCAL OR STATE LAW ENFORCEMENT AGENCY TO RECEIVE
11 PROTECTION FROM ANY ACTUAL OR THREATENED PHYSICAL ABUSE OR
12 VIOLENCE, WHICH IS CONDUCT CLASSIFIED AS AN ASSAULT UNDER THE TEXAS
13 PENAL CODE.

14 (8) [~~(7)~~] I AM MAKING THIS ELECTION OF MY OWN FREE WILL
15 AND WITHOUT COERCION.

16 (9) [~~(8)~~] FOR A WOMAN WHO LIVES 100 MILES OR MORE FROM
17 THE NEAREST ABORTION PROVIDER THAT IS A FACILITY LICENSED UNDER
18 CHAPTER 245 OR A FACILITY THAT PERFORMS MORE THAN 50 ABORTIONS IN
19 ANY 12-MONTH PERIOD ONLY:

20 I CERTIFY THAT, BECAUSE I CURRENTLY LIVE 100 MILES OR
21 MORE FROM THE NEAREST ABORTION PROVIDER THAT IS A FACILITY LICENSED
22 UNDER CHAPTER 245 OR A FACILITY THAT PERFORMS MORE THAN 50 ABORTIONS
23 IN ANY 12-MONTH PERIOD, I WAIVE THE REQUIREMENT TO WAIT 24 HOURS
24 AFTER THE SONOGRAM IS PERFORMED BEFORE RECEIVING THE ABORTION
25 PROCEDURE. MY PLACE OF RESIDENCE IS:_____.

26 _____

27 _____

1 SIGNATURE DATE";

2 (6) before the abortion is performed, the physician
3 who is to perform the abortion receives a copy of the signed,
4 written certification required by Subdivision (5); and

5 (7) the pregnant woman is provided the name of each
6 person who provides or explains the information required under this
7 subsection.

8 SECTION 2. Sections 171.014(a) and (f), Health and Safety
9 Code, are amended to read as follows:

10 (a) The department shall publish informational materials
11 that include:

12 (1) the information required to be provided under
13 Sections 171.012(a)(1)(B) and (D) and (a)(2)(A), (B), [~~and~~] (C),
14 and (D); and

15 (2) the materials required by Sections 171.015 and
16 171.016.

17 (f) In addition to any other organization or entity, the
18 department shall use the American College of Obstetricians and
19 Gynecologists as the resource in developing information required to
20 be provided under Sections 171.012(a)(1)(B) and (D), Sections
21 171.012(a)(2)(A), (B), [~~and~~] (C), and (D), and Section 171.016, and
22 in maintaining the department's Internet website.

23 SECTION 3. (a) By not later than December 1, 2021, the
24 Health and Human Services Commission shall:

25 (1) revise the informational materials the commission
26 is required to publish under Section 171.014, Health and Safety
27 Code, as amended by this Act; and

1 (2) make the materials available for distribution.

2 (b) The changes in law made by this Act apply only to the
3 information a physician is required to provide under Section
4 [171.012](#), Health and Safety Code, as amended by this Act, on or after
5 January 1, 2022.

6 SECTION 4. This Act takes effect September 1, 2021.