

1-1 By: Paxton, et al. S.B. No. 9
 1-2 (In the Senate - Filed March 1, 2021; March 3, 2021, read
 1-3 first time and referred to Committee on State Affairs;
 1-4 March 18, 2021, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 7, Nays 2; March 18, 2021,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15		X		
1-16	X			
1-17		X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 9 By: Nelson

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to prohibition of abortion; providing a civil penalty;
 1-22 creating a criminal offense.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. This Act may be cited as the Human Life
 1-25 Protection Act of 2021.

1-26 SECTION 2. Subtitle H, Title 2, Health and Safety Code, is
 1-27 amended by adding Chapter 170A to read as follows:

1-28 CHAPTER 170A. PERFORMANCE OF ABORTION

1-29 Sec. 170A.001. DEFINITIONS. In this chapter:

1-30 (1) "Abortion" has the meaning assigned by Section
 1-31 245.002.

1-32 (2) "Fertilization" means the point in time when a
 1-33 male human sperm penetrates the zona pellucida of a female human
 1-34 ovum.

1-35 (3) "Pregnant" means the female human reproductive
 1-36 condition of having a living unborn child within the female's body
 1-37 during the entire embryonic and fetal stages of the unborn child's
 1-38 development from fertilization until birth.

1-39 (4) "Reasonable medical judgment" means a medical
 1-40 judgment made by a reasonably prudent physician, knowledgeable
 1-41 about a case and the treatment possibilities for the medical
 1-42 conditions involved.

1-43 (5) "Unborn child" means an individual living member
 1-44 of the homo sapiens species from fertilization until birth,
 1-45 including the entire embryonic and fetal stages of development.

1-46 Sec. 170A.002. PROHIBITED ABORTION; EXCEPTIONS. (a) A
 1-47 person may not knowingly perform, induce, or attempt an abortion.

1-48 (b) The prohibition under Subsection (a) does not apply if:

1-49 (1) the person performing, inducing, or attempting the
 1-50 abortion is a licensed physician;

1-51 (2) in the exercise of reasonable medical judgment,
 1-52 the pregnant female on whom the abortion is performed, induced, or
 1-53 attempted has a life-threatening physical condition aggravated by,
 1-54 caused by, or arising from a pregnancy that places the female at
 1-55 risk of death or poses a serious risk of substantial impairment of a
 1-56 major bodily function unless the abortion is performed or induced;
 1-57 and

1-58 (3) the person performs, induces, or attempts the
 1-59 abortion in a manner that, in the exercise of reasonable medical
 1-60 judgment, provides the best opportunity for the unborn child to

2-1 survive unless, in the reasonable medical judgment, that manner
2-2 would create:

2-3 (A) a greater risk of the pregnant female's
2-4 death; or

2-5 (B) a serious risk of substantial impairment of a
2-6 major bodily function of the pregnant female.

2-7 (c) A physician may not take an action authorized under
2-8 Subsection (b) if, at the time the abortion was performed, induced,
2-9 or attempted, the person knew the risk of death or a substantial
2-10 impairment of a major bodily function described by Subsection
2-11 (b)(2) arose from a claim or diagnosis that the female would engage
2-12 in conduct that might result in the female's death or in substantial
2-13 impairment of a major bodily function.

2-14 (d) Medical treatment provided to the pregnant female by a
2-15 licensed physician that results in the accidental or unintentional
2-16 injury or death of the unborn child does not constitute a violation
2-17 of this section.

2-18 Sec. 170A.003. CONSTRUCTION OF CHAPTER. This chapter may
2-19 not be construed to authorize the imposition of criminal, civil, or
2-20 administrative liability or penalties on a pregnant female on whom
2-21 an abortion is performed, induced, or attempted.

2-22 Sec. 170A.004. CRIMINAL OFFENSE. (a) A person who
2-23 violates Section 170A.002 commits an offense.

2-24 (b) An offense under this section is a felony of the second
2-25 degree, except that the offense is a felony of the first degree if
2-26 an unborn child dies as a result of the offense.

2-27 Sec. 170A.005. CIVIL PENALTY. A person who violates
2-28 Section 170A.002 is subject to a civil penalty of not less than
2-29 \$100,000 for each violation. The attorney general shall file an
2-30 action to recover a civil penalty assessed under this section and
2-31 may recover attorney's fees and costs incurred in bringing the
2-32 action.

2-33 Sec. 170A.006. CIVIL REMEDIES UNAFFECTED. The fact that
2-34 conduct is subject to a civil or criminal penalty under this chapter
2-35 does not abolish or impair any remedy for the conduct that is
2-36 available in a civil suit.

2-37 Sec. 170A.007. DISCIPLINARY ACTION. In addition to any
2-38 other penalty that may be imposed under this chapter, the
2-39 appropriate licensing authority shall revoke the license, permit,
2-40 registration, certificate, or other authority of a physician or
2-41 other health care professional who performs, induces, or attempts
2-42 an abortion in violation of Section 170A.002.

2-43 SECTION 3. Section 2 of this Act takes effect, to the extent
2-44 permitted, on the 30th day after:

2-45 (1) the issuance of a United States Supreme Court
2-46 judgment in a decision overruling, wholly or partly, *Roe v. Wade*,
2-47 410 U.S. 113 (1973), as modified by *Planned Parenthood v. Casey*, 505
2-48 U.S. 833 (1992), thereby allowing the states of the United States to
2-49 prohibit abortion;

2-50 (2) the issuance of any other United States Supreme
2-51 Court judgment in a decision that recognizes, wholly or partly, the
2-52 authority of the states to prohibit abortion; or

2-53 (3) adoption of an amendment to the United States
2-54 Constitution that, wholly or partly, restores to the states the
2-55 authority to prohibit abortion.

2-56 SECTION 4. The provisions of this Act are hereby declared
2-57 severable, and if any provision of this Act or the application of
2-58 such provision to any person or circumstance is declared invalid
2-59 for any reason, such declaration shall not affect the validity of
2-60 the remaining portions of this Act.

2-61 SECTION 5. This Act takes effect September 1, 2021.

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