

By: Plesa

H.B. No. 1953

A BILL TO BE ENTITLED

AN ACT

relating to exceptions to laws prohibiting abortion.

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

SECTION 1. The heading to Section 170.002, Health and Safety Code, is amended to read as follows:

Sec. 170.002. PROHIBITED ACTS; EXEMPTIONS [~~EXEMPTION~~].

SECTION 2. Section 170.002, Health and Safety Code, is amended by amending Subsection (a) and adding Subsection (b-1) to read as follows:

(a) Except as provided by Subsections [~~Subsection~~] (b) and (b-1), a person may not intentionally or knowingly perform an abortion on a woman who is pregnant with a viable unborn child during the third trimester of the pregnancy.

(b-1) Subsection (a) does not prohibit a physician from performing an abortion if:

(1) the pregnant woman is 35 years of age or older or has a high-risk condition, as determined by the physician; or

(2) the pregnancy resulted from in vitro fertilization.

SECTION 3. Section 170A.002, Health and Safety Code, is amended by adding Subsection (b-1) to read as follows:

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

(1) the pregnant woman is 35 years of age or older or

1 has a high-risk condition, as determined by a physician; or  
2 (2) the pregnancy resulted from in vitro  
3 fertilization.

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

6 (d) The prohibitions and requirements under Sections  
7 171.043, 171.044, and 171.045(b) do not apply to an abortion  
8 performed if:

9 (1) the pregnant woman is 35 years of age or older or  
10 has a high-risk condition, as determined by a physician; or

11 (2) the pregnancy resulted from in vitro  
12 fertilization.

13 SECTION 5. Section 171.063, Health and Safety Code, is  
14 amended by adding Subsection (c-1) to read as follows:

15 (c-1) The restriction on the provision of an  
16 abortion-inducing drug under Subsection (c)(6) does not apply if:

17 (1) either:

18 (A) the pregnant woman is 35 years of age or older  
19 or has a high-risk condition, as determined by the physician; or

20 (B) the pregnancy resulted from in vitro  
21 fertilization; and

22 (2) based on the physician's reasonable medical  
23 judgment and the gestational age of the pregnancy, the provision of  
24 the abortion-inducing drug will be effective and does not pose a  
25 risk to the pregnant woman.

26 SECTION 6. The heading to Section 171.102, Health and  
27 Safety Code, is amended to read as follows:

1           Sec. 171.102. PARTIAL-BIRTH ABORTIONS PROHIBITED;  
2 EXCEPTIONS.

3           SECTION 7. Section 171.102, Health and Safety Code, is  
4 amended by adding Subsection (c) to read as follows:

5           (c) Subsection (a) does not apply to a physician who  
6 performs a partial-birth abortion if:

7           (1) the pregnant woman is 35 years of age or older or  
8 has a high-risk condition, as determined by the physician; or

9           (2) the pregnancy resulted from in vitro  
10 fertilization.

11          SECTION 8. The heading to Section 171.152, Health and  
12 Safety Code, is amended to read as follows:

13          Sec. 171.152. DISMEMBERMENT ABORTIONS PROHIBITED;  
14 EXCEPTIONS.

15          SECTION 9. Section 171.152(a), Health and Safety Code, is  
16 amended to read as follows:

17          (a) A person may not intentionally perform a dismemberment  
18 abortion unless:

19           (1) the dismemberment abortion is necessary in a  
20 medical emergency;

21           (2) the pregnant woman is 35 years of age or older or  
22 has a high-risk condition, as determined by a physician; or

23           (3) the pregnancy resulted from in vitro  
24 fertilization.

25          SECTION 10. The heading to Section 171.205, Health and  
26 Safety Code, is amended to read as follows:

27          Sec. 171.205. EXCEPTIONS [~~EXCEPTION FOR MEDICAL~~

1 ~~EMERGENCY~~]; RECORDS.

2 SECTION 11. Section 171.205, Health and Safety Code, is  
3 amended by adding Subsection (a-1) to read as follows:

4 (a-1) Sections 171.203 and 171.204 do not apply to an  
5 abortion performed or induced by a physician if:

6 (1) the pregnant woman is 35 years of age or older or  
7 has a high-risk condition, as determined by the physician; or

8 (2) the pregnancy resulted from in vitro  
9 fertilization.

10 SECTION 12. This Act takes effect immediately if it  
11 receives a vote of two-thirds of all the members elected to each  
12 house, as provided by Section 39, Article III, Texas Constitution.  
13 If this Act does not receive the vote necessary for immediate  
14 effect, this Act takes effect September 1, 2023.