

By: Tinderholt

H.B. No. 2813

A BILL TO BE ENTITLED

AN ACT

relating to a restriction on a company's facilitation of an employee's travel to obtain an abortion outside of this state.

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

SECTION 1. Subchapter A, Chapter 171, Health and Safety Code, is amended by adding Section 171.009 to read as follows:

Sec. 171.009. RESTRICTION ON COMPANY'S FACILITATION OF TRAVEL TO OBTAIN ABORTION OUTSIDE THIS STATE. (a) In this section, "governing person" has the meaning assigned by Section 1.002, Business Organizations Code.

(b) A governing person of a company doing business in this state who facilitates travel of an employee of the company outside of this state to obtain an abortion is considered in breach of the person's fiduciary duty to the company.

(c) The company, the company's shareholders, or another aggrieved person may bring any action or derivative action available under the laws of this state against the governing person for breach of the fiduciary duty described by Subsection (b).

(d) The business judgment rule is not a defense to liability in an action brought under this section.

SECTION 2. Section 171.009, Health and Safety Code, as added by this Act, applies only to conduct that occurs on or after the effective date of this Act.

SECTION 3. This Act takes effect September 1, 2023.