

By: Campbell, et al.

S.B. No. 33

A BILL TO BE ENTITLED

AN ACT

relating to certain prohibited transactions and logistical support between a governmental entity and an abortion assistance entity or abortion provider for the procurement of an abortion or related services.

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

SECTION 1. Section 2273.001, Government Code, is amended by adding Subdivision (1-a) and amending Subdivision (2) to read as follows:

(1-a) "Abortion assistance entity" means a person that procures or facilitates a woman's procurement of an abortion by engaging in any of the following acts:

(A) offering or providing money to pay for, reimburse, or offset the costs of obtaining an abortion or the costs incurred by or associated with seeking an abortion, regardless of the location at which the abortion occurs;

(B) paying for, planning, or executing plans for travel accommodations, including transportation, meals, or lodging, with the intent of facilitating the procurement of an abortion, regardless of the location at which the abortion occurs;

(C) offering, providing, or paying for any type of service or logistical support, including child care or abortion doula services, to facilitate the procurement of an abortion; or

(D) collecting or distributing an

abortion-inducing drug, as that term is defined by Section 171.061, Health and Safety Code, to increase access to those drugs.

(2) "Abortion provider" means a person who performs or induces an abortion [+]

~~[(A) a facility licensed under Chapter 245, Health and Safety Code, or~~

~~[(B) an ambulatory surgical center licensed under Chapter 243, Health and Safety Code, that is used to perform more than 50 abortions in any 12-month period].~~

SECTION 2. Section 2273.003(a), Government Code, is amended to read as follows:

(a) Except as provided by Subsection (b), a governmental entity may not enter into a taxpayer resource transaction with an abortion provider, ~~[or]~~ an affiliate of an abortion provider, or an abortion assistance entity.

SECTION 3. Chapter 2273, Government Code, is amended by adding Section 2273.0031 to read as follows:

Sec. 2273.0031. LOGISTICAL SUPPORT PROHIBITED. (a) Except as provided by Subsection (b), a governmental entity may not enter into a taxpayer resource transaction or appropriate or spend money to provide to any person logistical support for the express purpose of assisting a woman with procuring an abortion or the services of an abortion provider. Logistical support includes providing money for:

(1) child care;

(2) travel or any form of transportation to or from an abortion provider;

1 (3) lodging;

2 (4) food or food preparation;

3 (5) counseling that encourages a woman to have an
4 abortion; and

5 (6) any other service that facilitates the provision
6 of an abortion.

7 (b) This section does not apply to a taxpayer resource
8 transaction entered into or money appropriated or spent by a
9 governmental entity that is subject to a federal law in conflict
10 with Subsection (a) as determined by the executive commissioner of
11 the Health and Human Services Commission and confirmed in writing
12 by the attorney general.

13 SECTION 4. Section 2273.004, Government Code, is amended to
14 read as follows:

15 Sec. 2273.004. CIVIL REMEDY ~~[INJUNCTION]~~; WAIVER OF
16 IMMUNITY. (a) The attorney general, a resident of this state, or
17 an individual residing within a political subdivision of this state
18 may bring an action against any party to the actual or proposed
19 prohibited transaction, appropriation, or expenditure, as
20 applicable, of a governmental entity that violates or is seeking to
21 violate Section 2273.003 or 2273.0031 and is entitled to recover in
22 the action:

23 (1) declaratory relief;

24 (2) injunctive relief that terminates and reimburses
25 any value conferred by the prohibited transaction, appropriation,
26 or expenditure and enjoins the party from entering into a
27 prohibited transaction, appropriation, or expenditure in the

1 future;

2 (3) court costs; and

3 (4) reasonable attorney's fees ~~[in the name of the~~
4 ~~state to enjoin a violation of Section 2273.003. The attorney~~
5 ~~general may recover reasonable attorney's fees and costs incurred~~
6 ~~in bringing an action under this subsection].~~

7 (b) Sovereign or governmental immunity, as applicable, of a
8 governmental entity to suit and from liability is waived and
9 abolished to the extent of liability created by Subsection (a).

10 (c) Notwithstanding any other law:

11 (1) a court may not award costs or attorney's fees
12 under Rule 91a, Texas Rules of Civil Procedure, or under another
13 rule the supreme court adopts under Section 22.004(g) to any
14 defendant against whom an action is brought under this section; and

15 (2) Chapters 27 and 110, Civil Practice and Remedies
16 Code, do not apply to an action brought under this section.

17 SECTION 5. It is the intent of the legislature that every
18 provision, section, subsection, sentence, clause, phrase, or word
19 in this Act, and every application of the provisions in this Act to
20 each person or entity, is severable from each other. If any
21 application of any provision in this Act to any person, group of
22 persons, or circumstances is found by a court to be invalid for any
23 reason, the remaining applications of that provision to all other
24 persons and circumstances shall be severed and may not be affected.

25 SECTION 6. This Act takes effect September 1, 2025.