

By: Hughes, Paxton, Cook of Navarro, Eissler,
Flynn

H.B. No. 2777

Substitute the following for H.B. No. 2777:

By: Cook of Navarro

C.S.H.B. No. 2777

A BILL TO BE ENTITLED

AN ACT

relating to pathology reports on abortions; providing a penalty.

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

SECTION 1. Chapter 170, Health and Safety Code, is amended
by adding Subchapter B to read as follows:

SUBCHAPTER B. PATHOLOGY REPORTING REQUIREMENTS

Sec. 170.051. REPORTING REQUIREMENTS. (a) The operator of
a facility at which an abortion is performed shall submit a
pathology report to the department on each abortion performed at
the facility.

(b) The report must be submitted on a form provided by the
department.

Sec. 170.052. EXEMPTION. This subchapter does not apply to
a facility licensed under Chapter 241 at which an abortion is
performed.

Sec. 170.053. PATHOLOGY REPORT. The pathology report
required by Section 170.051 must include:

(1) the name, title, and license number, if
applicable, of the person performing the pathology examination;

(2) the name and mailing address of the facility where
the pathology examination was performed;

(3) the date of the pathology examination and the date
of abortion;

(4) the pathology examination findings, including

1 gestational age of the fetus, absence of pregnancy, live birth, and
2 viability, and evidence of the findings; and

3 (5) the date the form is submitted.

4 Sec. 170.054. CONFIDENTIAL INFORMATION. All information
5 held by the department under this subchapter is confidential and
6 not subject to disclosure under Chapter 552, Government Code. The
7 information may not be released or made public on subpoena or
8 otherwise, except that release may be made:

9 (1) for statistical purposes, but only if a person,
10 patient, or abortion facility is not identified;

11 (2) with the consent of each person, patient, and
12 abortion facility identified in the information released;

13 (3) to medical personnel, appropriate state agencies,
14 or county and district courts to enforce this subchapter; or

15 (4) to appropriate state licensing boards to enforce
16 state licensing laws.

17 Sec. 170.055. CRIMINAL PENALTY. (a) A person commits an
18 offense if the person violates Section 170.051.

19 (b) An offense under this section is a Class A misdemeanor.

20 SECTION 2. Section 170.001(1), Health and Safety Code, is
21 amended to read as follows:

22 (1) "Abortion" means the use of any means to terminate
23 the pregnancy of a female known by the attending physician to be
24 pregnant, with the intention that the termination of the pregnancy
25 by those means will with reasonable likelihood cause the death of
26 the fetus [~~an act involving the use of an instrument, medicine,~~
27 ~~drug, or other substance or device developed to terminate the~~

1 ~~pregnancy of a woman if the act is done with an intention other than~~
2 ~~to:~~

3 ~~[(A) increase the probability of a live birth of~~
4 ~~the unborn child of the woman,~~

5 ~~[(B) preserve the life or health of the child, or~~

6 ~~[(C) remove a dead fetus].~~

7 SECTION 3. Sections 170.001 and 170.002, Health and Safety
8 Code, are redesignated as Subchapter A, Chapter 170, Health and
9 Safety Code, and a heading for Subchapter A is added to read as
10 follows:

11 SUBCHAPTER A. PROHIBITED ACTS RELATING TO ABORTION

12 SECTION 4. The chapter heading of Chapter 170, Health and
13 Safety Code, is amended to read as follows:

14 CHAPTER 170. [~~PROHIBITED ACTS REGARDING~~] ABORTION

15 SECTION 5. Section 245.007, Health and Safety Code, is
16 amended to read as follows:

17 Sec. 245.007. FEES. The board shall set fees imposed by
18 this chapter in amounts reasonable and necessary to defray the cost
19 of administering this chapter and Subchapter B, Chapter 170.

20 SECTION 6. The Texas Department of Health shall develop and
21 make available the form required by Section 170.051, Health and
22 Safety Code, as added by this Act, not later than December 1, 2003.

23 SECTION 7. This Act takes effect September 1, 2003, and
24 applies only to an abortion performed on or after January 1, 2004.