

By: Hughes

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

(5) the date the form is submitted.

1       Sec. 170.053. CONFIDENTIAL INFORMATION. All information  
2 held by the department under this subchapter is confidential and  
3 not subject to disclosure under Chapter 552, Government Code. The  
4 information may not be released or made public on subpoena or  
5 otherwise, except that release may be made:

6           (1) for statistical purposes, but only if a person,  
7 patient, physician, or facility is not identified;

8           (2) with the consent of each person, patient,  
9 physician, and facility identified in the information released;

10          (3) to appropriate state licensing boards to enforce  
11 state licensing laws; or

12          (4) to appropriate federal agencies, such as the  
13 Centers for Disease Control of the United States Public Health  
14 Service.

15       Sec. 170.054. CRIMINAL PENALTY. (a) A person commits an  
16 offense if the person violates Section 170.051.

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

18       SECTION 2. Sections 170.001 and 170.002, Health and Safety  
19 Code, are redesignated as Subchapter A, Chapter 170, Health and  
20 Safety Code, and a heading for Subchapter A is added to read as  
21 follows:

22       SUBCHAPTER A. PROHIBITED ACTS RELATING TO ABORTION

23       SECTION 3. The chapter heading of Chapter 170, Health and  
24 Safety Code, is amended to read as follows:

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

26       SECTION 4. The Texas Department of Health shall develop and  
27 make available the form required by Section 170.051, Health and

H.B. No. 2777

1 Safety Code, as added by this Act, not later than December 1, 2003.

2 SECTION 5. This Act takes effect September 1, 2003, and

3 applies only to an abortion performed on or after January 1, 2004.