

By: Corte

H.B. No. 16

A BILL TO BE ENTITLED

AN ACT

relating to the right to object to participation in an abortion procedure or to the dispensing of an emergency contraceptive.

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

SECTION 1. Chapter 103, Occupations Code, is amended to read as follows:

CHAPTER 103. RIGHT TO OBJECT TO PARTICIPATION IN ABORTION PROCEDURE
OR DISPENSING OF EMERGENCY CONTRACEPTIVE

Sec. 103.001. DEFINITION. In this chapter, "emergency contraceptive" means a prescription drug containing an elevated dose of hormones that is used to prevent pregnancy.

Sec. 103.002. RIGHT TO OBJECT. A physician, pharmacist, nurse, staff member, or employee of a hospital, ~~[or other]~~ health care facility, or pharmacy who objects to directly or indirectly performing or participating in an abortion procedure or dispensing an emergency contraceptive may not be required to directly or indirectly:

(1) perform or participate in the procedure; or

(2) dispense or participate in the dispensing of the contraceptive.

Sec. 103.003 [~~103.002~~]. DISCRIMINATION PROHIBITED. (a) A hospital, ~~[or]~~ health care facility, or pharmacy may not discriminate against a physician, pharmacist, nurse, staff member, or employee, or an applicant for one of those positions, who refuses

1 to:

2 (1) perform or participate in an abortion procedure;

3 or

4 (2) dispense or participate in the dispensing of an
5 emergency contraceptive.

6 (b) A hospital, ~~[or]~~ health care facility, or pharmacy may
7 not discriminate against a physician, pharmacist, nurse, staff
8 member, or employee because of the person's willingness to
9 participate in an abortion procedure or the dispensing of an
10 emergency contraceptive at another facility or pharmacy.

11 (c) An educational institution may not discriminate against
12 an applicant for admission or employment as a student, intern, or
13 resident because of the applicant's attitude concerning abortion or
14 emergency contraceptives.

15 Sec. 103.004 [~~103.003~~]. REMEDIES. A person whose rights under
16 this chapter are violated may sue a hospital, health care facility,
17 pharmacy, or educational institution in district court in the
18 county where the hospital, facility, pharmacy, or institution is
19 located for:

20 (1) an injunction against any further violation;

21 (2) appropriate affirmative relief, including
22 admission or reinstatement of employment with back pay plus 10
23 percent interest; and

24 (3) any other relief necessary to ensure compliance
25 with this chapter.

26 Sec. 103.005 [~~103.004~~]. DUTY OF CERTAIN PRIVATE ENTITIES TO
27 MAKE FACILITIES AVAILABLE. A private hospital or private health

1 care facility is not required to make its facilities available for
2 the performance of an abortion unless a physician determines that
3 the life of the mother is immediately endangered.

4 SECTION 2. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2005.