

By: Zedler

H.B. No. 702

A BILL TO BE ENTITLED

AN ACT

relating to a physician's report of a complication resulting from an abortion; 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. REPORTING OF COMPLICATIONS

Sec. 170.051. REPORTING REQUIREMENTS. (a) Each physician who provides medical care or treatment to a woman with a complication that the physician determines, in the physician's good faith judgment, to have resulted from an abortion or attempted abortion shall file a report with the department.

(b) The report must be submitted, on a form prescribed by the department, not later than the 30th day after the date the physician first examined the woman to provide medical care or treatment for the complication.

Sec. 170.052. REPORT. The report required by Section 170.051 must include:

(1) the age of the patient;

(2) the number of pregnancies the patient had before the abortion, including:

(A) the number of pregnancies resulting in live births, without regard to whether the child is living at the time the report is prepared; and

1                   (B) the number of pregnancies aborted, including  
2 spontaneous or induced abortions;

3                   (3) the number and type of abortions previously  
4 performed on the patient;

5                   (4) the name and address of the facility in which the  
6 abortion was performed;

7                   (5) the gestational age of the unborn child at the time  
8 of the abortion, if known;

9                   (6) the type of abortion performed and date, if known;

10                  (7) the nature of the complication;

11                  (8) the medical treatment provided;

12                  (9) the nature and extent, if known, of any permanent  
13 condition caused by the complication;

14                  (10) the date the physician first examined the  
15 patient;

16                  (11) the name and license number of the physician;

17                  (12) the date the form is submitted; and

18                  (13) other information the department requires.

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

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

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

1           (3) to appropriate state licensing boards to enforce  
2 state licensing laws; or

3           (4) to appropriate federal agencies.

4           Sec. 170.054. PENALTY. (a) A person commits an offense if  
5 the person violates this subchapter.

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

7           SECTION 2. 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 3. The heading to Chapter 170, Health and Safety  
13 Code, is amended to read as follows:

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

15           SECTION 4. The Department of State Health Services shall  
16 prescribe and make available the form required by Section 170.051,  
17 Health and Safety Code, as added by this Act, not later than  
18 December 1, 2005.

19           SECTION 5. The changes in law made by this Act apply only to  
20 a complication resulting from an abortion performed on or after  
21 January 1, 2006.

22           SECTION 6. This Act takes effect September 1, 2005.