

By: Corte

H.B. No. 979

A BILL TO BE ENTITLED

AN ACT

relating to the licensing and regulation of an abortion facility.

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

SECTION 1. Section 245.003(a), Health and Safety Code, is amended to read as follows:

(a) Except as provided by Section 245.004, a person may not, without an appropriate license issued under this chapter:

(1) establish or operate an abortion facility in this state; or

(2) hold out to the public that the person is an abortion provider by advertising by any public means, including advertising placed in a newspaper, telephone directory, magazine, or electronic medium, that the person performs abortions [~~without an appropriate license issued under this chapter~~].

SECTION 2. Section 245.004(a), Health and Safety Code, as amended by Chapters 198 and 999, Acts of the 78th Legislature, Regular Session, 2003, is reenacted and amended to read as follows:

(a) The following facilities need not be licensed under this chapter:

(1) a hospital licensed under Chapter 241 (Texas Hospital Licensing Law); or

(2) the office of a physician licensed under Subtitle B, Title 3, Occupations Code, unless the office is used [~~substantially~~] for the purpose of performing more than 50

1 abortions in any 12-month period~~[, or~~

2 ~~[(3) an ambulatory surgical center licensed under~~
3 ~~Chapter 243].~~

4 SECTION 3. Section 245.004(b), Health and Safety Code, is
5 amended to read as follows:

6 (b) Notwithstanding Subsection (a) and the number of
7 abortions performed in any 12-month period by the office of a
8 physician licensed under Subtitle B, Title 3, Occupations Code, the
9 office is considered an abortion facility and must be licensed
10 under this chapter ~~[For purposes of this section, a facility is used~~
11 ~~substantially for the purpose of performing abortions]~~ if the
12 office ~~[facility]:~~

13 (1) ~~[is a provider for performing:~~

14 ~~[(A) at least 10 abortion procedures during any~~
15 ~~month, or~~

16 ~~[(B) at least 100 abortion procedures in a year,~~

17 ~~[(2) operates less than 20 days in a month and the~~
18 ~~facility, in any month, is a provider for performing a number of~~
19 ~~abortion procedures that would be equivalent to at least 10~~
20 ~~procedures in a month if the facility were operating at least 20~~
21 ~~days in a month,~~

22 ~~[(3)]~~ holds itself out to the public as an abortion
23 provider by advertising by any public means, including advertising
24 placed in a newspaper, telephone directory, magazine, or electronic
25 medium, that the office ~~[facility]~~ performs abortions; or

26 (2) ~~[(4)]~~ applies for an abortion facility license.

27 SECTION 4. Section 245.004(c), Health and Safety Code, is

1 repealed.

2 SECTION 5. A person or facility that is required to become
3 licensed under Chapter 245, Health and Safety Code, as a result of
4 the changes in law made by this Act, is not required to obtain that
5 license before January 1, 2006.

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