

By: Corte

H.B. No. 1469

A BILL TO BE ENTITLED

AN ACT

relating to informed consent to an abortion.

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

SECTION 1. Sections 171.012(a) and (b), Health and Safety Code, are amended to read as follows:

(a) Except in the case of a medical emergency, consent to an abortion is voluntary and informed only if:

(1) the physician who is to perform the abortion or the referring physician informs the woman on whom the abortion is to be performed of:

(A) the name of the physician who will perform the abortion;

(B) the particular medical risks associated with the particular abortion procedure to be employed, including, when medically accurate:

(i) the risks of infection and hemorrhage;

(ii) the potential danger to a subsequent pregnancy and of infertility; and

(iii) the possibility of increased risk of breast cancer following an induced abortion and the natural protective effect of a completed pregnancy in avoiding breast cancer;

(C) the probable gestational age of the unborn child at the time the abortion is to be performed; and

1 (D) the medical risks associated with carrying  
2 the child to term;

3 (2) the physician who is to perform the abortion or the  
4 physician's agent informs the woman that:

5 (A) medical assistance benefits may be available  
6 for prenatal care, childbirth, and neonatal care;

7 (B) the father is liable for assistance in the  
8 support of the child without regard to whether the father has  
9 offered to pay for the abortion;

10 (C) public and private agencies provide  
11 pregnancy prevention counseling and medical referrals for  
12 obtaining pregnancy prevention medications or devices, including  
13 emergency contraception for victims of rape or incest; and

14 (D) the woman has the right to review the printed  
15 materials described by Section 171.014, that those materials have  
16 been provided by the [~~Texas~~] Department of State Health Services  
17 and are accessible on an Internet website sponsored by the  
18 department, and that the materials describe the unborn child and  
19 list agencies that offer alternatives to abortion;

20 (3) the woman certifies in writing before the abortion  
21 is performed that the information described by Subdivisions (1) and  
22 (2) and the printed materials described by Section 171.014 have  
23 [~~has~~] been provided to her and that she has been informed of her  
24 opportunity to review the information described by Section 171.014;  
25 [~~and~~]

26 (4) before the abortion is performed, the physician  
27 who is to perform the abortion receives a copy of the written

1 certification required by Subdivision (3); and

2 (5) the physician provides the woman with the printed  
3 materials described by Section 171.014.

4 (b) The information required to be provided under  
5 Subsections (a)(1) and (2):

6 (1) must be provided:

7 (A) [~~(1)~~] orally by telephone or in person; and

8 (B) [~~(2)~~] at least 24 hours before the abortion  
9 is to be performed; and

10 (2) may not be provided by audio or video recording.

11 SECTION 2. Section 171.013(a), Health and Safety Code, is  
12 amended to read as follows:

13 (a) The [~~If the woman chooses to view the materials~~  
14 ~~described by Section 171.014, the~~] physician or the physician's  
15 agent shall furnish copies of the materials described by Section  
16 171.014 to the woman [~~her~~] at least 24 hours before the abortion is  
17 to be performed. A physician or the physician's agent may furnish  
18 the materials to the woman by mail if the materials are mailed,  
19 restricted delivery to addressee, at least 72 hours before the  
20 abortion is to be performed.

21 SECTION 3. Section 171.013(b), Health and Safety Code, is  
22 repealed.

23 SECTION 4. This Act takes effect September 1, 2005.