

By: Dukes

H.B. No. 2278

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the dissemination of accurate information on voluntary
3 and informed consent for an abortion.

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

5 SECTION 1. Section 171.012(a), Health and Safety Code, is
6 amended to read as follows:

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

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

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

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

17 (i) the risks of infection and hemorrhage;
18 and

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

21 ~~[(iii) the possibility of increased risk of~~
22 ~~breast cancer following an induced abortion and the natural~~
23 ~~protective effect of a completed pregnancy in avoiding breast~~
24 ~~cancer,]~~

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

3 (D) the medical risks associated with carrying
4 the child to term;

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

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

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

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

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

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

27 (4) before the abortion is performed, the physician

1 who is to perform the abortion receives a copy of the written
2 certification required by Subdivision (3).

3 SECTION 2. (a) By not later than December 1, 2005, the
4 Department of State Health Services shall:

5 (1) revise the informational materials the department
6 is required to publish under Section 171.014, Health and Safety
7 Code; and

8 (2) make the materials available for distribution.

9 (b) The changes in law made by this Act apply only to the
10 abortion information a physician is required to provide under
11 Section 171.012, Health and Safety Code, on or after January 1,
12 2006.

13 SECTION 3. This Act takes effect September 1, 2005.