

## **BILL ANALYSIS**

H.B. 21  
By: Corte, Frank  
State Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

During the 78th Regular Legislative Session, House Bill 15 was passed to, among other things, provide informed consent for women seeking a pregnancy termination in the state. During the rule-making process, the Department passed two rules that did not comply with the intent of the author. First, the rules do not require that a woman be provided the written materials prior to certifying in writing that she has been informed of her opportunity to review the material. Second, the Department interpreted the statute to mean that the information could be provided by audio or video recording.

House Bill 21 amends the Health and Safety Code to ensure that women seeking a pregnancy termination be provided information in person, not by audio or video recording, and that the printed materials be provided for each patient.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

House Bill 21 amends the Health and Safety Code to clarify that, except in the case of a medical emergency, consent to an abortion is voluntary and informed only if the woman certifies in writing before the abortion is performed that the printed materials described by Section 171.014 have been provided to her and the physician provides the woman with the printed materials described by Section 171.014. Further, it clarifies that information required to be provided may not be provided by audio or video recording. The physician or the physician's agent shall furnish copies of the materials described by Section 171.014 to the woman at least 24 hours before the abortion is performed. Also, the statute is updated to refer to the Department of State Health Services instead of the Texas Department of Health.

The bill repeals Section 171.013(b), Health and Safety Code.

### **EFFECTIVE DATE**

September 1, 2007.