

BILL ANALYSIS

Senate Research Center

C.S.S.B. 920
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Health & Human Services
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The 78th Legislature, Regular Session, 2003, passed the Woman's Right to Know Act (H.B. 15) that requires a doctor who is to perform an abortion to tell the woman that benefits may be available to help with medical care before, during, and after childbirth. This law also requires the father to help support the child whether or not he has offered to pay for an abortion. Government and private agencies can counsel the woman in preventing pregnancy, or refer her to a doctor for medications or devices to prevent pregnancy, including emergency contraception for victims of rape and incest. The woman has the right to look at printed information. If she chooses to see the material the law describes, the doctor is required to give her a copy of the material at least 24 hours before the abortion is scheduled. The doctor may instead mail her the materials, with delivery restricted to her, at least 72 hours before the abortion is scheduled.

C.S.S.B. 920 requires that an obstetric ultrasound be performed, provided to the woman, and reviewed with the woman on whom an abortion is to be performed in order for consent to an abortion to be voluntary and informed. The bill requires the woman to certify in writing that she has been provided with and had the opportunity to review the ultrasound image. The bill provides that while the ultrasound image must be explained, the woman is not required to view the image, nor do penalties attach to the physician or the woman if she refuses to view the ultrasound image.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 171.012(a), Health and Safety Code, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Provides that, except in the case of a medical emergency, consent to an abortion is voluntary and informed only if, among other things, the physician who is to perform the abortion or the physician's agent performs an obstetric ultrasound on the woman on whom the abortion is to be performed, provides the woman with an obstetric ultrasound image of the unborn child, and reviews the image of the unborn child with the woman who certifies in writing before the abortion is performed that she has been provided with and has had the opportunity to review the image.

(a-1) Requires the ultrasound images to be explained to the woman seeking the abortion, but provides that nothing in this section mandates her to look at or view the images. Authorizes the physician or a certified technician working in conjunction with the physician to inform her that she is not required to look at the images. Prohibits the physician or woman from being penalized if the woman refuses to look at the presented images.

SECTION 2. Makes Section 172.012, Health and Safety Code, as amended by this Act, prospective.

SECTION 3. Effective date: upon passage or September 1, 2007.