

By: Corte

H.B. No. 22

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of certain physician's offices where abortions are performed.

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 245.0035 [~~245.004~~], a person may not establish or operate an abortion facility in this state without an appropriate license issued under this chapter.

SECTION 2. Chapter 245, Health and Safety Code, is amended by adding Section 245.0035 to read as follows:

Sec. 245.0035. EXEMPTIONS FROM LICENSING REQUIREMENT. The following facilities need not be licensed under this chapter:

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

(2) the office of a physician licensed under Subtitle B, Title 3, Occupations Code, unless the office is used for the purpose of performing more than 50 abortions in any 12-month period; or

(3) an ambulatory surgical center licensed under Chapter 243.

SECTION 3. Section 245.006, Health and Safety Code, is amended by adding Subsection (c) to read as follows:

(c) The department may inspect a physician's office that is

1 exempt from the licensing requirement of this chapter under Section
2 245.0035(2) for compliance with the minimum standards adopted under
3 Section 245.010.

4 SECTION 4. Section 245.010, Health and Safety Code, is
5 amended by adding Subsection (e) to read as follows:

6 (e) A physician's office exempt from the licensing
7 requirement of this chapter shall comply with the standards adopted
8 under this section. A physician who performs an abortion in an
9 office that violates a rule adopted under this section is subject to
10 the enforcement and penalty provisions of Sections 245.013,
11 245.015, and 245.017-245.022.

12 SECTION 5. Section 245.004, Health and Safety Code, as
13 amended by Section 2.63(a), Chapter 198, and Section 2, Chapter
14 999, Acts of the 78th Legislature, Regular Session, 2003, is
15 repealed.

16 SECTION 6. A physician's office exempt from the licensing
17 requirements of Chapter 245, Health and Safety Code, under Section
18 245.0035, Health and Safety Code, as added by this Act, is not
19 required to comply with the minimum standards adopted under Section
20 245.010, Health and Safety Code, before January 1, 2008.

21 SECTION 7. This Act takes effect September 1, 2007.