

By: Talton

H.B. No. 859

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the preservation of fetal tissue by a physician
3 performing an abortion on a person who is younger than 14 years of
4 age; creating an offense.

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

6 SECTION 1. Subchapter A, Chapter 171, Health and Safety
7 Code, is amended by adding Section 171.006 to read as follows:

8 Sec. 171.006. REQUIRED TISSUE SAMPLING. (a) A physician who
9 performs an abortion on a person who is younger than 14 years of age
10 at the time of the abortion shall preserve fetal tissue extracted
11 during the abortion. The physician shall submit the tissue to the
12 Department of Public Safety or to a laboratory designated by the
13 Department of Public Safety.

14 (b) The Department of Public Safety shall adopt rules
15 prescribing:

16 (1) the amount and type of tissue to be preserved and
17 submitted;

18 (2) procedures for the proper preservation of tissue
19 for DNA testing and examination;

20 (3) procedures for documenting the chain of custody of
21 the tissue for use as evidence;

22 (4) procedures for proper disposal of fetal tissue
23 preserved under this section;

24 (5) a uniform reporting instrument to be used by a

1 physician when submitting fetal tissue under this section that must
2 include:

3 (A) the name of the physician submitting the
4 tissue;

5 (B) the name and address of the person upon whom
6 the abortion was performed; and

7 (C) the name of the parent or legal guardian of
8 the person upon whom the abortion was performed; and

9 (6) procedures for communication with law enforcement
10 agencies regarding evidence and information obtained under this
11 section.

12 (c) A physician commits an offense if the physician violates
13 this section or a rule adopted under this section. An offense under
14 this subsection is a misdemeanor punishable by a fine not to exceed
15 \$10,000.

16 SECTION 2. The changes in law made by this Act apply only to
17 an offense committed on or after the effective date of this Act.
18 For purposes of this section, an offense is committed before the
19 effective date of this Act if any element of the offense occurs
20 before that date. An offense committed before the effective date of
21 this Act is covered by the law in effect when the offense was
22 committed, and the former law is continued in effect for that
23 purpose.

24 SECTION 3. This Act takes effect September 1, 2007.