

By: Patrick, Dan

S.B. No. 920

Substitute the following for S.B. No. 920:

By: Swinford

C.S.S.B. No. 920

A BILL TO BE ENTITLED

AN ACT

relating to informed consent to an abortion.

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

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

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

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

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

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

(i) the risks of infection and hemorrhage;  
(ii) the potential danger to a subsequent pregnancy and of infertility; and  
(iii) the possibility of increased risk of breast cancer following an induced abortion and the natural protective effect of a completed pregnancy in avoiding breast cancer;

(C) the probable gestational age of the unborn

1 child at the time the abortion is to be performed; and

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

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

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

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

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

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

21 (3) the physician who is to perform the abortion or the  
22 physician's agent performs an obstetric ultrasound on the woman on  
23 whom the abortion is to be performed, provides the woman with an  
24 obstetric ultrasound image of the unborn child, and reviews the  
25 image of the unborn child with the woman;

26 (4) the woman certifies in writing before the abortion  
27 is performed that:

1                   (A) the information described by Subdivisions  
2 (1) and (2) has been provided to her and that she has been informed  
3 of her opportunity to review the information described by Section  
4 171.014; and

5                   (B) she has been provided with and has had the  
6 opportunity to review the image described by Subdivision (3); and

7                   (5) [~~(4)~~] before the abortion is performed, the  
8 physician who is to perform the abortion receives a copy of the  
9 written certification required by Subdivision (4) [~~(3)~~].

10                  (a-1) Although the ultrasound images must be explained to  
11 the woman seeking the abortion, nothing in this section mandates  
12 that she is required to look at or view the ultrasound images. The  
13 physician or a certified technician working in conjunction with the  
14 physician shall inform her she is not required to look at the  
15 ultrasound images. Neither the physician nor the woman shall be  
16 penalized if she refuses to look at the presented ultrasound  
17 images.

18                  SECTION 2. The change in law made by this Act to Section  
19 171.012, Health and Safety Code, applies only to an offense  
20 committed on or after the effective date of this Act. For purposes  
21 of this section, an offense is committed before the effective date  
22 of this Act if any element of the offense occurs before that date.  
23 An offense committed before the effective date of this Act is  
24 covered by the law in effect when the offense was committed, and the  
25 former law is continued in effect for that purpose.

26                  SECTION 3. This Act takes effect immediately if it receives  
27 a vote of two-thirds of all the members elected to each house, as

C.S.S.B. No. 920

1 provided by Section 39, Article III, Texas Constitution. If this  
2 Act does not receive the vote necessary for immediate effect, this  
3 Act takes effect September 1, 2007.