

1-1 By: Patrick S.B. No. 920
1-2 (In the Senate - Filed April 12, 2007; April 17, 2007, read
1-3 first time and referred to Committee on Health and Human Services;
1-4 April 27, 2007, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 8, Nays 1; April 27, 2007,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 920 By: Patrick

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to informed consent to an abortion.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 171.012, Health and Safety Code, is
1-13 amended by amending Subsection (a) and adding Subsection (a-1) to
1-14 read as follows:

1-15 (a) Except in the case of a medical emergency, consent to an
1-16 abortion is voluntary and informed only if:

1-17 (1) the physician who is to perform the abortion or the
1-18 referring physician informs the woman on whom the abortion is to be
1-19 performed of:

1-20 (A) the name of the physician who will perform
1-21 the abortion;

1-22 (B) the particular medical risks associated with
1-23 the particular abortion procedure to be employed, including, when
1-24 medically accurate:

1-25 (i) the risks of infection and hemorrhage;

1-26 (ii) the potential danger to a subsequent
1-27 pregnancy and of infertility; and

1-28 (iii) the possibility of increased risk of
1-29 breast cancer following an induced abortion and the natural
1-30 protective effect of a completed pregnancy in avoiding breast
1-31 cancer;

1-32 (C) the probable gestational age of the unborn
1-33 child at the time the abortion is to be performed; and

1-34 (D) the medical risks associated with carrying
1-35 the child to term;

1-36 (2) the physician who is to perform the abortion or the
1-37 physician's agent informs the woman that:

1-38 (A) medical assistance benefits may be available
1-39 for prenatal care, childbirth, and neonatal care;

1-40 (B) the father is liable for assistance in the
1-41 support of the child without regard to whether the father has
1-42 offered to pay for the abortion;

1-43 (C) public and private agencies provide
1-44 pregnancy prevention counseling and medical referrals for
1-45 obtaining pregnancy prevention medications or devices, including
1-46 emergency contraception for victims of rape or incest; and

1-47 (D) the woman has the right to review the printed
1-48 materials described by Section 171.014, that those materials have
1-49 been provided by the Texas Department of Health and are accessible
1-50 on an Internet website sponsored by the department, and that the
1-51 materials describe the unborn child and list agencies that offer
1-52 alternatives to abortion;

1-53 (3) the physician who is to perform the abortion or the
1-54 physician's agent performs an obstetric ultrasound on the woman on
1-55 whom the abortion is to be performed, provides the woman with an
1-56 obstetric ultrasound image of the unborn child, and reviews the
1-57 image of the unborn child with the woman;

1-58 (4) the woman certifies in writing before the abortion
1-59 is performed that:

1-60 (A) the information described by Subdivisions
1-61 (1) and (2) has been provided to her and that she has been informed
1-62 of her opportunity to review the information described by Section
1-63 171.014; and

2-1 (B) she has been provided with and has had the
2-2 opportunity to review the image described by Subdivision (3); and
2-3 (5) [~~(4)~~] before the abortion is performed, the
2-4 physician who is to perform the abortion receives a copy of the
2-5 written certification required by Subdivision (4) [~~(3)~~].

2-6 (a-1) Although the ultrasound images must be explained to
2-7 the woman seeking the abortion, nothing in this section mandates
2-8 that she is required to look at or view the ultrasound images. The
2-9 physician or a certified technician working in conjunction with the
2-10 physician may inform her she is not required to look at the
2-11 ultrasound images. Neither the physician nor the woman shall be
2-12 penalized if she refuses to look at the presented ultrasound
2-13 images.

2-14 SECTION 2. The change in law made by this Act to Section
2-15 172.012, Health and Safety Code, applies only to an offense
2-16 committed on or after the effective date of this Act. For purposes
2-17 of this section, an offense is committed before the effective date
2-18 of this Act if any element of the offense occurs before that date.
2-19 An offense committed before the effective date of this Act is
2-20 covered by the law in effect when the offense was committed, and the
2-21 former law is continued in effect for that purpose.

2-22 SECTION 3. This Act takes effect immediately if it receives
2-23 a vote of two-thirds of all the members elected to each house, as
2-24 provided by Section 39, Article III, Texas Constitution. If this
2-25 Act does not receive the vote necessary for immediate effect, this
2-26 Act takes effect September 1, 2007.

2-27 * * * * *