

By: Patrick, Dan

S.B. No. 1567

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the adoption incentive program.

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

SECTION 1. Subtitle B, Title 2, Health and Safety Code, is amended by adding Chapter 50 to read as follows:

CHAPTER 50. ADOPTION INCENTIVE PROGRAM

Sec. 50.001. ADOPTION INCENTIVE PROGRAM. (a) The department shall develop a program to encourage pregnant women to place their children for adoption rather than have an abortion.

(b) The program must include a \$500 payment to each woman who is a resident of this state and a citizen of the United States who places a child for adoption rather than have an abortion.

Sec. 50.002. APPLICATION FORM. (a) The department shall develop an application form to be used by a woman who applies for funds under this chapter.

(b) The department may only distribute the application forms to abortion providers.

Sec. 50.003. APPLICATION. A woman requesting funds under this chapter must apply for the funds on the form developed by the department not later than the 30th day after the date the child is born.

Sec. 50.004. PAYMENT OF FUNDS. (a) The department shall process each application for funds under this chapter to determine whether the woman is eligible. If the woman is eligible for funds,

1 the department shall make the payment to the woman not later than
2 the 60th day after the date the woman's parental rights are
3 terminated.

4 (b) Section 25.08, Penal Code, does not apply to the grant
5 or acceptance of money under this section.

6 Sec. 50.005. NOTIFICATION REQUIRED; APPLICATION FORM. (a)
7 Notification of the program under this chapter is required as part
8 of the informed consent requirements under Chapter 171.

9 (b) An abortion provider shall distribute a copy of the
10 funds application form to each woman who comes to the provider
11 seeking an abortion.

12 Sec. 50.006. RULES. The executive commissioner of the
13 Health and Human Services Commission may adopt rules to implement
14 this chapter.

15 SECTION 2. Section 171.012(a), Health and Safety Code, is
16 amended to read as follows:

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

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

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

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

27 (i) the risks of infection and hemorrhage;

1 (ii) the potential danger to a subsequent
2 pregnancy and of infertility; and

3 (iii) the possibility of increased risk of
4 breast cancer following an induced abortion and the natural
5 protective effect of a completed pregnancy in avoiding breast
6 cancer;

7 (C) the probable gestational age of the unborn
8 child at the time the abortion is to be performed; and

9 (D) the medical risks associated with carrying
10 the child to term;

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

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

15 (B) the father is liable for assistance in the
16 support of the child without regard to whether the father has
17 offered to pay for the abortion;

18 (C) public and private agencies provide
19 pregnancy prevention counseling and medical referrals for
20 obtaining pregnancy prevention medications or devices, including
21 emergency contraception for victims of rape or incest; ~~and~~

22 (D) the woman has the right to review the printed
23 materials described by Section 171.014, that those materials have
24 been provided by the ~~[Texas]~~ Department of State Health Services
25 and are accessible on an Internet website sponsored by the
26 department, and that the materials describe the unborn child and
27 list agencies that offer alternatives to abortion; and

1 (E) the woman is entitled to receive \$500 from
2 the Department of State Health Services under Chapter 50 if the
3 woman places the child for adoption;

4 (3) the woman certifies in writing before the abortion
5 is performed that the information described by Subdivisions (1) and
6 (2) has been provided to her and that she has been informed of her
7 opportunity to review the information described by Section 171.014;
8 and

9 (4) before the abortion is performed, the physician
10 who is to perform the abortion receives a copy of the written
11 certification required by Subdivision (3).

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