

Amend CSHB 15 (house committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Section 171.002, Health and Safety Code, is amended to read as follows:

Sec. 171.002. DEFINITIONS [~~DEFINITION~~]. In this chapter:

(1) "Abortion" [~~,"abortion"~~] means the use of any means to terminate the pregnancy of a female known by the attending physician to be pregnant with the intention that the termination of the pregnancy by those means will, with reasonable likelihood, cause the death of the fetus.

(2) "Medical emergency" means a condition exists that, in a physician's good faith clinical judgment, complicates the medical condition of the pregnant woman and necessitates the immediate abortion of her pregnancy to avert her death or to avoid a serious risk of substantial impairment of a major bodily function.

SECTION 2. Sections 171.012(a), (b), and (c), Health and Safety Code, are amended to read as follows:

(a) Consent [~~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 pregnant woman on whom the abortion is to be performed of:

(A) the physician's 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 child at the time the abortion is to be performed; and

(D) the medical risks associated with carrying

the child to term;

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

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

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

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

(3) the physician who is to perform the abortion or the physician's agent:

(A) provides [~~(D)~~] the pregnant woman with [~~has the right to review~~] the printed materials described by Section 171.014; and

(B) informs the pregnant woman[~~7~~] that those materials:

(i) have been provided by the [~~Texas~~] Department of State Health Services;

(ii) [~~and~~] are accessible on an Internet website sponsored by the department;

(iii) [~~7, and that the materials~~] describe the unborn child and list agencies that offer alternatives to abortion; and

(iv) include a list of agencies that offer sonogram services at no cost to the pregnant woman;

(4) at least two hours before the abortion:

(A) the physician who is to perform the abortion or an agent of the physician who is also a sonographer certified by a national registry of medical sonographers performs a sonogram on the pregnant woman on whom the abortion is to be performed;

(B) the physician who is to perform the abortion displays the sonogram images in a quality consistent with current medical practice in a manner that the pregnant woman may view them;

(C) the physician who is to perform the abortion

provides, in a manner understandable to a layperson, a verbal explanation of the results of the sonogram images, including a medical description of the dimensions of the embryo or fetus, the presence of cardiac activity, and the presence of external members and internal organs; and

(D) the physician who is to perform the abortion or an agent of the physician who is also a sonographer certified by a national registry of medical sonographers makes audible the heart auscultation for the pregnant woman to hear, if present, in a quality consistent with current medical practice and provides, in a manner understandable to a layperson, a simultaneous verbal explanation of the heart auscultation;

(5) before receiving a sonogram under Subdivision (4)(A) and [~~(3) the woman certifies in writing~~] before the abortion is performed, the pregnant woman completes and certifies with her signature an election form that states as follows:

"ABORTION AND SONOGRAM ELECTION

(1) THE INFORMATION AND PRINTED MATERIALS DESCRIBED BY SECTIONS 171.012(a)(1)-(3), TEXAS HEALTH AND SAFETY CODE, HAVE BEEN PROVIDED AND EXPLAINED TO ME.

(2) I UNDERSTAND THE NATURE AND CONSEQUENCES OF AN ABORTION.

(3) I UNDERSTAND THAT I HAVE A RIGHT TO VIEW THE SONOGRAM IMAGES. I ELECT ___ TO VIEW ___ NOT TO VIEW THE SONOGRAM IMAGES.

(4) I UNDERSTAND THAT I HAVE A RIGHT TO HEAR THE HEART AUSCULTATION. I ELECT ___ TO HEAR ___ NOT TO HEAR THE HEART AUSCULTATION.

(5) I ELECT TO ___ RECEIVE ___ NOT RECEIVE A VERBAL EXPLANATION OF THE SONOGRAM IMAGES (CHECK ONE OF THE FOLLOWING):

___ BECAUSE I AM PREGNANT AS A RESULT OF A SEXUAL ASSAULT, INCEST, OR OTHER VIOLATION OF THE TEXAS PENAL CODE THAT HAS BEEN REPORTED TO LAW ENFORCEMENT AUTHORITIES OR THAT HAS NOT BEEN REPORTED BECAUSE I REASONABLY BELIEVE THAT DOING SO WOULD PUT ME AT RISK

OF RETALIATION RESULTING IN SERIOUS BODILY INJURY.

_____ BECAUSE I AM A MINOR AND OBTAINING AN ABORTION
IN ACCORDANCE WITH JUDICIAL BYPASS PROCEDURES UNDER
CHAPTER 33, TEXAS FAMILY CODE.

_____ BECAUSE MY FETUS HAS AN IRREVERSIBLE MEDICAL
CONDITION OR ABNORMALITY, AS IDENTIFIED BY RELIABLE
DIAGNOSTIC PROCEDURES AND DOCUMENTED IN MY MEDICAL
FILE.

I AM MAKING THIS ELECTION OF MY OWN FREE WILL AND
WITHOUT COERCION.

SIGNATURE

DATE"

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

(6) [(4)] before the abortion is performed, the
physician who is to perform the abortion receives a copy of the
signed, written certification required by Subdivision (5); and

(7) the pregnant woman is provided the name of each
person who provides or explains the information required under this
subsection [(3)].

(b) The information required to be provided under
Subsections (a)(1) and (2) may not be provided by audio or video
recording and must be provided:

(1) orally by telephone or in person; and

(2) at least 24 hours before the abortion is to be
performed.

(c) When providing the information under Subsection (a)(3)
~~[(a)(2)(D)]~~, the physician or the physician's agent must provide
the pregnant woman with the address of the Internet website on which
the printed materials described by Section 171.014 may be viewed as
required by Section 171.014(e).

SECTION 3. Subchapter B, Chapter 171, Health and Safety
Code, is amended by adding Sections 171.0121 and 171.0122 to read as
follows:

Sec. 171.0121. VIEWING PRINTED MATERIALS AND SONOGRAM IMAGE; HEARING HEART AUSCULTATION OR VERBAL EXPLANATION. (a) A pregnant woman may choose not to view the printed materials provided under Section 171.012(a)(3) after she has been provided the materials.

(b) A pregnant woman may choose not to view the sonogram images required to be provided to and reviewed with the pregnant woman under Section 171.012(a)(4).

(c) A pregnant woman may choose not to hear the heart auscultation required to be provided to and reviewed with the pregnant woman under Section 171.012(a)(4).

(d) A pregnant woman may choose not to receive the verbal explanation of the results of the sonogram images under Section 171.012(a)(4)(C) if:

(1) the woman's pregnancy is a result of a sexual assault, incest, or other violation of the Penal Code that has been reported to law enforcement authorities or that has not been reported because she has a reason that she declines to reveal because she reasonably believes that to do so would put her at risk of retaliation resulting in serious bodily injury;

(2) the woman is a minor and obtaining an abortion in accordance with judicial bypass procedures under Chapter 33, Family Code; or

(3) the fetus has an irreversible medical condition or abnormality, as previously identified by reliable diagnostic procedures and documented in the woman's medical file.

(e) The physician and the pregnant woman are not subject to a penalty under this chapter solely because the pregnant woman chooses not to view the printed materials or the sonogram images, hear the heart auscultation, or receive the verbal explanation, as described by this section.

Sec. 171.0122. EXCEPTION FOR MEDICAL EMERGENCY. A physician may perform an abortion without obtaining informed consent under this subchapter in a medical emergency. A physician who performs an abortion in a medical emergency shall:

(1) include in the patient's medical records a statement signed by the physician certifying the nature of the

medical emergency; and

(2) not later than the 30th day after the date the abortion is performed, certify to the Department of State Health Services the specific medical condition that constituted the emergency.

SECTION 4. Section 171.013(a), Health and Safety Code, is amended to read as follows:

(a) The [~~If the woman chooses to view the materials described by Section 171.014, the~~] physician or the physician's agent shall furnish copies of the materials described by Section 171.014 to the pregnant woman [~~her~~] at least 24 hours before the abortion is to be performed and shall direct the pregnant woman to the Internet website required to be published under Section 171.014(e). The [A] physician or the physician's agent may furnish the materials to the pregnant woman by mail if the materials are mailed, restricted delivery to addressee, at least 72 hours before the abortion is to be performed.

SECTION 5. Section 171.015, Health and Safety Code, is amended to read as follows:

Sec. 171.015. INFORMATION RELATING TO PUBLIC AND PRIVATE AGENCIES. The informational materials must include [~~either~~]:

(1) geographically indexed materials designed to inform the pregnant woman of public and private agencies and services that:

(A) are available to assist a woman through pregnancy, childbirth, and the child's dependency, including:

(i) a comprehensive list of adoption agencies;

(ii) a description of the services the adoption agencies offer; [~~and~~]

(iii) a description of the manner, including telephone numbers, in which an adoption agency may be contacted; and

(iv) a comprehensive list of agencies and organizations that offer sonogram services at no cost to the pregnant woman;

(B) do not provide abortions or abortion-related

services or make referrals to abortion providers; and

(C) are not affiliated with organizations that provide abortions or abortion-related services or make referrals to abortion providers; and ~~or~~

(2) a toll-free, 24-hour telephone number that may be called to obtain an oral list and description of agencies described by Subdivision (1) that are located near the caller and of the services the agencies offer.

SECTION 6. Section 164.055(a), Occupations Code, is amended to read as follows:

(a) The board may take an appropriate disciplinary action against a physician who violates Section 170.002 or Chapter 171, Health and Safety Code. The board may refuse to admit to examination or refuse to issue a license or renewal license to a person who violates that section or chapter.

SECTION 7. The purposes of this Act include, but are not limited to:

(1) protecting the physical and psychological health and well-being of pregnant women;

(2) providing pregnant women access to information that would allow her to consider the impact an abortion would have on her unborn child; and

(3) protecting the integrity and ethical standards of the medical profession.

SECTION 8. If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Act that can be given effect without the invalid provision or application, and to this end the provisions of the Act are severable.

SECTION 9. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.