

SENATE AMENDMENTS

2nd Printing

By: Miller of Erath, Callegari, Harless,
Kolkhorst, Patrick, et al.

H.B. No. 15

A BILL TO BE ENTITLED

AN ACT

relating to providing a sonogram before an abortion; providing penalties.

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

SECTION 1. Chapter 171, Health and Safety Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. PERFORMANCE OF SONOGRAM BEFORE ABORTION

Sec. 171.051. DEFINITIONS. In this subchapter:

(1) "Abortion provider" means a facility where an abortion is performed, including the office of a physician and a facility licensed under Chapter 241, 243, or 245.

(2) "Medical emergency" means a life-threatening physical condition aggravated by, caused by, or arising from a pregnancy that, as certified by a physician, places the woman in danger of death or a serious risk of substantial impairment of a major bodily function unless an abortion is performed.

(3) "Sonogram" means the use of ultrasonic waves for diagnostic or therapeutic purposes, specifically to monitor an unborn child.

Sec. 171.052. INFORMATION REGARDING SONOGRAM PROVIDERS.

(a) Not more than 72 hours and not less than 24 hours before an abortion begins, the physician who is to perform the abortion shall in person and in a private, confidential setting:

(1) provide the pregnant woman on whom the abortion is

1 to be performed with the informational materials described by
2 Section 171.014 and orally provide the woman the information
3 required by Section 171.012(a)(1);

4 (2) orally inform the pregnant woman on whom the
5 abortion is to be performed that the materials required by Section
6 171.014:

7 (A) are provided by the Department of State
8 Health Services;

9 (B) are accessible on an Internet website
10 sponsored by the department;

11 (C) describe the unborn child; and

12 (D) list agencies that offer alternatives to
13 abortion; and

14 (3) provide the pregnant woman on whom the abortion is
15 to be performed with a comprehensive list of health care providers,
16 facilities, and clinics that offer obstetric sonogram services at
17 no cost to the pregnant woman and that do not:

18 (A) perform abortions or provide
19 abortion-related services;

20 (B) make referrals to any abortion provider; or

21 (C) affiliate or contract with any entity that
22 performs abortions, provides abortion-related services, or makes
23 referrals to any abortion provider.

24 (b) The department shall compile the list described by
25 Subsection (a)(3) and shall make the list available at no cost. The
26 department shall provide appropriate quantities of the list to an
27 abortion provider and to any other person. The list must include

1 the name, address, hours of operation, and telephone number for
2 each health care provider, facility, and clinic that satisfies the
3 requirements of Subsection (a)(3) and be:

4 (1) arranged by county;

5 (2) printed in a typeface large enough to be clearly
6 legible; and

7 (3) published in English and Spanish.

8 (c) The department is not required to republish the list
9 described by Subsection (a)(3) because of a change in information
10 described by Subsection (b) unless five percent or more of the
11 information contained in the list changes.

12 Sec. 171.053. PERFORMANCE OF SONOGRAM. (a) Not more than
13 72 hours and not less than 24 hours before the abortion begins and
14 before any sedative or anesthesia is administered to the pregnant
15 woman, the physician who is to perform the abortion or a sonographer
16 certified by a national registry of medical sonographers shall:

17 (1) perform a live, real-time obstetric sonogram on
18 the pregnant woman on whom the abortion is to be performed;

19 (2) display the live, real-time obstetric sonogram
20 images in a quality consistent with current medical practice in a
21 manner that the pregnant woman may view them;

22 (3) provide, in a manner understandable to a
23 layperson, a simultaneous verbal explanation of the results of the
24 live, real-time sonogram images, including a medical description of
25 the dimensions of the embryo or fetus, the presence of cardiac
26 activity, and the presence of arms, legs, external members, and
27 internal organs; and

1 (4) make audible the live, real-time heart
2 auscultation, when present, for the pregnant woman to hear, in a
3 quality consistent with current medical practice, and provide, in a
4 manner understandable to a layperson, a simultaneous verbal
5 explanation of the live, real-time heart auscultation.

6 (b) During a visit made to a facility to fulfill the
7 requirements of Subsection (a), the facility and any person at the
8 facility may not accept any form of payment, deposit, or exchange or
9 make any financial agreement for an abortion or abortion-related
10 services other than for payment of a service required by Subsection
11 (a). The amount charged for a service required by Subsection (a)
12 may not exceed the reimbursement rate established for the service
13 by the Health and Human Services Commission for statewide medical
14 reimbursement programs.

15 Sec. 171.054. CERTIFICATION OF SONOGRAM. (a) After the
16 live, real-time sonogram and the live, real-time heart auscultation
17 required under Section 171.053 and before any sedative or
18 anesthesia is administered to the pregnant woman and before the
19 abortion begins, the pregnant woman on whom the abortion is to be
20 performed shall certify by her signature that not more than 72 hours
21 and not less than 24 hours before the abortion begins:

22 (1) she was provided with a live, real-time sonogram
23 as required under Section 171.053;

24 (2) she had the opportunity to view the live,
25 real-time sonogram images as required under Section 171.053;

26 (3) she was provided, in a manner understandable to a
27 layperson, a simultaneous verbal explanation of the results of the

1 sonogram images as required under Section 171.053; and

2 (4) she heard the live, real-time heart auscultation,
3 when present, as required under Section 171.053.

4 (b) The department shall prepare the form to be used to make
5 the certification required under Subsection (a). The form must
6 include a space for the pregnant woman's signature and space for the
7 woman to sign her initials beside each of the following statements:

8 (1) "Not more than 72 hours and not less than 24 hours
9 before my abortion is to begin and at the facility where my abortion
10 is to be performed, the doctor who is performing an abortion on me
11 or a sonographer certified by a national registry of medical
12 sonographers performed a sonogram on me and displayed the live,
13 real-time sonogram images so that I could view them.";

14 (2) "The doctor who is performing an abortion on me or
15 a sonographer certified by a national registry of medical
16 sonographers has given me, in an understandable manner, a
17 simultaneous verbal explanation of the results of the live,
18 real-time sonogram images, including a medical description of the
19 dimensions of the embryo or fetus, the presence of cardiac
20 activity, and the presence of arms, legs, external members, and
21 internal organs."; and

22 (3) "The doctor performing an abortion on me or a
23 sonographer certified by a national registry of medical
24 sonographers has made audible the live, real-time heart activity,
25 when present, for me to hear. The doctor or sonographer has also
26 provided, in an understandable manner, a simultaneous verbal
27 explanation of the live, real-time heart activity."

1 (c) Before the abortion begins, a copy of the form required
2 under this section must be:

3 (1) given to the physician who is to perform the
4 abortion; and

5 (2) placed in the pregnant woman's medical records.

6 (d) A copy of the form required under this section shall be
7 retained by the abortion provider until:

8 (1) the seventh anniversary of the date it is signed;

9 or

10 (2) if the pregnant woman is a minor, the later of:

11 (A) the seventh anniversary of the date it is
12 signed; or

13 (B) the woman's 21st birthday.

14 Sec. 171.055. RECEIVING INFORMATION DURING SONOGRAM. The
15 physician and the pregnant woman are not subject to a penalty under
16 this subchapter solely because the pregnant woman chooses not to
17 receive the information required to be provided under Section
18 171.053.

19 Sec. 171.056. PATERNITY AND CHILD SUPPORT INFORMATION. If,
20 after being provided with a sonogram and the information required
21 under this subchapter, the pregnant woman chooses not to have an
22 abortion, the physician or an agent of the physician shall provide
23 the pregnant woman with a publication developed by the Title IV-D
24 agency that provides information about paternity establishment and
25 child support, including:

26 (1) the steps necessary for unmarried parents to
27 establish legal paternity;

- 1 (2) the benefits of paternity establishment for
2 children;
- 3 (3) the steps necessary to obtain a child support
4 order;
- 5 (4) the benefits of establishing a legal parenting
6 order; and
- 7 (5) financial and legal responsibilities of
8 parenting.

9 Sec. 171.057. EXCEPTION FOR MEDICAL EMERGENCY. (a) A
10 physician may perform an abortion without providing the sonogram
11 required under Section 171.053 only in a medical emergency. A
12 physician who performs an abortion in a medical emergency shall:

13 (1) include in the patient's medical records a
14 statement signed by the physician certifying the nature of the
15 medical emergency; and

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

20 (b) The statement required under Subsection (a)(1) shall be
21 placed in the patient's medical records and shall be kept by the
22 abortion provider until:

23 (1) the seventh anniversary of the date the abortion
24 is performed; or

25 (2) if the pregnant woman is a minor, the later of:

26 (A) the seventh anniversary of the date the
27 abortion is performed; or

1 (B) the woman's 21st birthday.

2 Sec. 171.058. VIOLATION. (a) A physician who performs an
3 abortion in violation of this subchapter engages in unprofessional
4 conduct for which the physician's license shall be revoked under
5 Chapter 164, Occupations Code.

6 (b) The department, in accordance with the procedures
7 established under Chapter 241, 243, or 245, as applicable, shall
8 revoke the license of an abortion provider that violates this
9 subchapter.

10 SECTION 2. Subchapter A, Chapter 241, Health and Safety
11 Code, is amended by adding Section 241.007 to read as follows:

12 Sec. 241.007. COMPLIANCE WITH CERTAIN REQUIREMENTS
13 REGARDING SONOGRAM BEFORE ABORTION. A hospital shall comply with
14 Subchapter C, Chapter 171.

15 SECTION 3. Subchapter A, Chapter 243, Health and Safety
16 Code, is amended by adding Section 243.017 to read as follows:

17 Sec. 243.017. COMPLIANCE WITH CERTAIN REQUIREMENTS
18 REGARDING SONOGRAM BEFORE ABORTION. An ambulatory surgical center
19 shall comply with Subchapter C, Chapter 171.

20 SECTION 4. Section 245.006(a), Health and Safety Code, is
21 amended to read as follows:

22 (a) The department shall ~~may~~ inspect an abortion facility
23 at reasonable times as necessary to ensure compliance with this
24 chapter and Subchapter C, Chapter 171.

25 SECTION 5. Chapter 245, Health and Safety Code, is amended
26 by adding Section 245.024 to read as follows:

27 Sec. 245.024. COMPLIANCE WITH CERTAIN REQUIREMENTS

1 REGARDING SONOGRAM BEFORE ABORTION. An abortion facility shall
2 comply with Subchapter C, Chapter 171.

3 SECTION 6. Subchapter B, Chapter 164, Occupations Code, is
4 amended by adding Section 164.0551 to read as follows:

5 Sec. 164.0551. COMPLIANCE WITH CERTAIN REQUIREMENTS
6 REGARDING SONOGRAM BEFORE ABORTION. A physician shall comply with
7 Subchapter C, Chapter 171, Health and Safety Code.

8 SECTION 7. The change in law made by this Act applies only
9 to an abortion performed on or after the 60th day after the
10 effective date of this Act. An abortion performed before the 60th
11 day after the effective date of this Act is governed by the law in
12 effect on the date the abortion was performed, and the former law is
13 continued in effect for that purpose.

14 SECTION 8. The Department of State Health Services shall
15 compile the list required by Section 171.052, Health and Safety
16 Code, as added by this Act, not later than the 60th day after the
17 effective date of this Act.

18 SECTION 9. The Title IV-D agency shall publish the
19 information required by Section 171.056, Health and Safety Code, as
20 added by this Act, not later than the 60th day after the effective
21 date of this Act.

22 SECTION 10. (a) The legislature finds the following
23 purposes and justifications for this law:

24 (1) States have "a substantial government interest
25 justifying a requirement that a woman be apprised of the health
26 risks of abortion and childbirth," including mental health
27 considerations. Planned Parenthood of Southeastern Pennsylvania

1 v. Casey, 505 U.S. 833, 882 (1992). "It cannot be questioned that
2 psychological well-being is a facet of health. Nor can it be
3 doubted that most women considering an abortion would deem the
4 impact on the fetus relevant, if not dispositive, to the decision.
5 In attempting to ensure that a woman apprehend the full
6 consequences of her decision, the State furthers the legitimate
7 purpose of reducing the risk that a woman may elect an abortion,
8 only to discover later, with devastating psychological
9 consequences, that her decision was not fully informed. If the
10 information the State requires to be made available to the woman is
11 truthful and not misleading, the requirement may be permissible."
12 Id.

13 (2) The consideration of an abortion's consequences to
14 a fetus is not contingent on the consideration of the health of the
15 mother. Rather, those considerations provide a stand-alone basis
16 for informed consent legislation. There is "no reason why the State
17 may not require doctors to inform a woman seeking an abortion of the
18 availability of materials relating to the consequences to the
19 fetus, even when those consequences have no direct relation to her
20 health." Id.

21 (3) In addition to the state's substantial interest in
22 promoting the health and well-being of a pregnant woman, the state
23 also has a "profound interest in potential life" of the unborn
24 fetus. Id. at 878; see also Gonzales v. Carhart, 550 U.S. 124, 125
25 (2007) (recognizing that the state has a legitimate interest "in
26 protecting the life of the fetus that may become a child").

27 (4) A statute furthering a state's "legitimate goal of

1 protecting the life of the unborn" by "ensuring a decision that is
2 mature and informed" is permitted "even when in so doing the State
3 expresses a preference for childbirth over abortion." Planned
4 Parenthood, 505 U.S. at 883.

5 (5) In addition, the Supreme Court has held that
6 "[r]egulations which do no more than create a structural mechanism
7 by which the State, or the parent or guardian of a minor, may
8 express profound respect for the life of the unborn are permitted,
9 if they are not a substantial obstacle to the woman's exercise of
10 the right to choose." Id. at 877. "Unless it has that effect on her
11 right of choice, a state measure designed to persuade her to choose
12 childbirth over abortion will be upheld if reasonably related to
13 that goal." Id. at 878.

14 (6) "The State also has an interest in protecting the
15 integrity and ethics of the medical profession." Washington v.
16 Glucksberg, 521 U.S. 702, 731 (1997). An abortion performed
17 without a medical professional's full disclosure to a pregnant
18 woman of the impact on the fetus and the potential health
19 consequences of an abortion could undermine the woman's trust in
20 medical professionals. This Act is intended to protect the
21 integrity and ethics of the medical profession by establishing
22 clear requirements that are designed to ensure the health and
23 informed consent of a pregnant woman who is contemplating an
24 abortion.

25 (b) Therefore, it is the legislature's intent in enacting
26 this Act to further the purposes stated in Subsection (a) of this
27 section.

1 (c) Furthermore, with regard to the severability clause
2 contained in this Act, the legislature finds:

3 (1) As the United States Supreme Court has explained,
4 when reviewing an abortion statute, "the proper means to consider
5 exceptions is by as-applied challenge." Gonzales, 550 U.S. at 167.
6 Moreover, when reviewing abortion statutes, "[t]he latitude given
7 facial challenges in the First Amendment context is inapplicable."
8 Id. See also U.S. v. Salerno, 481 U.S. 739, 745 (1987) ("The fact
9 that [a legislative Act] might operate unconstitutionally under
10 some conceivable set of circumstances is insufficient to render it
11 wholly invalid, since we have not recognized an 'overbreadth'
12 doctrine outside the limited context of the First Amendment.").

13 (2) The United States Supreme Court has made the role
14 of the court clear when reviewing statutes: "It is neither our
15 obligation nor within our traditional institutional role to resolve
16 questions of constitutionality with respect to each potential
17 situation that might develop." Gonzales, 550 U.S. at 168. "[I]t
18 would indeed be undesirable for this Court to consider every
19 conceivable situation which might possibly arise in the application
20 of complex and comprehensive legislation." Id. (quoting U.S. v.
21 Raines, 362 U.S. 17, 21 (1960) (internal quotation marks omitted)).
22 "For this reason, '[a]s-applied challenges are the basic building
23 blocks of constitutional adjudication.'" Gonzales, 550 U.S. at 168
24 (quoting Richard Fallon, As-Applied and Facial Challenges and
25 Third-Party Standing, 113 Harv. L. Rev. 1321, 128 (2000)).

26 (3) Severability must be considered not only with
27 respect to certain clauses or provisions of a statute but also with

1 respect to applications of a statute or provision when some of the
2 applications are unconstitutional. See Norman J. Singer, Statutes
3 and Statutory Construction, Section 44.02 (4th ed. rev. 1986).

4 (4) Severability clauses in federal statutes treat
5 severability of clauses and applications the same. See, e.g., 2
6 U.S.C. Section 1438 ("If any provision of this chapter or the
7 application of such provision to any person or circumstance is held
8 to be invalid, the remainder of this chapter and the application of
9 the provisions of the remainder to any person or circumstance shall
10 not be affected thereby."); Section 1103 of the Social Security Act
11 (42 U.S.C. Section 1303); Section 15 of the National Labor
12 Relations Act (29 U.S.C. Section 165); Section 11 of the Railway
13 Labor Act (45 U.S.C. Section 161); Section 14 of the Agricultural
14 Adjustment Act (7 U.S.C. Section 614).

15 (5) Courts have treated severability of clauses and
16 applications the same. See Robert L. Stern, Separability and
17 Separability Clauses in the Supreme Court, 51 Harv. L. Rev. 76
18 (1937).

19 SECTION 11. The purposes of this Act are to:

20 (1) protect the physical and psychological health and
21 well-being of pregnant women;

22 (2) provide pregnant women access to information that
23 would allow a pregnant woman to consider the impact an abortion
24 would have on the pregnant woman's fetus; and

25 (3) protect the integrity and ethical standards of the
26 medical profession.

27 SECTION 12. Every provision in this Act and every

1 application of the provisions in this Act are severable from each
2 other. If any application of any provision in this Act to any
3 person or group of persons or circumstances is found by a court to
4 be invalid, the remainder of this Act and the application of the
5 Act's provisions to all other persons and circumstances may not be
6 affected. All constitutionally valid applications of this Act
7 shall be severed from any applications that a court finds to be
8 invalid, leaving the valid applications in force, because it is the
9 legislature's intent and priority that the valid applications be
10 allowed to stand alone. Even if a reviewing court finds a provision
11 of this Act invalid in a large or substantial fraction of relevant
12 cases, the remaining valid applications shall be severed and
13 allowed to remain in force.

14 SECTION 13. Each provision of this Act and every
15 application of this Act's provisions to any person or circumstance
16 shall be construed as severable as a matter of state law. If any
17 application of this Act to any person or circumstance is held
18 invalid by any court, the valid applications shall be severed and
19 remain in force.

20 SECTION 14. This Act takes effect immediately if it
21 receives a vote of two-thirds of all the members elected to each
22 house, as provided by Section 39, Article III, Texas Constitution.
23 If this Act does not receive the vote necessary for immediate
24 effect, this Act takes effect September 1, 2011.

ADOPTED

MAY 03 2011

Atty. Gen.
Secretary of the Senate

By: *Jim Pritchard*

H.B. No. 15

Substitute the following for H.B. No. 15:

By: *Joan Huffman*

C.S. .B. No. _____

A BILL TO BE ENTITLED

1 AN ACT

2 relating to informed consent to an abortion.

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

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

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

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

12 (2) "Abortion provider" means a facility where an
13 abortion is performed, including the office of a physician and a
14 facility licensed under Chapter 241, 243, or 245.

15 (3) "Medical emergency" means a life-threatening
16 physical condition aggravated by, caused by, or arising from a
17 pregnancy that, as certified by a physician, places the woman in
18 danger of death or a serious risk of substantial impairment of a
19 major bodily function unless an abortion is performed.

20 (4) "Rural county" means a county with a population of
21 60,000 or less.

22 (5) "Sonogram" means the use of ultrasonic waves for
23 diagnostic or therapeutic purposes, specifically to monitor an
24 unborn child.

1 SECTION 2. Section 171.012, Health and Safety Code, is
2 amended by amending Subsections (a), (b), and (c) and adding
3 Subsection (a-1) to read as follows:

4 (a) Consent [~~Except in the case of a medical emergency,~~
5 ~~consent~~] to an abortion is voluntary and informed only if:

6 (1) the physician who is to perform the abortion [~~or~~
7 ~~the referring physician~~] informs the pregnant woman on whom the
8 abortion is to be performed of:

9 (A) the physician's name [~~of the physician who~~
10 ~~will perform the abortion~~];

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

14 (i) the risks of infection and hemorrhage;

15 (ii) the potential danger to a subsequent
16 pregnancy and of infertility; and

17 (iii) the possibility of increased risk of
18 breast cancer following an induced abortion and the natural
19 protective effect of a completed pregnancy in avoiding breast
20 cancer;

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

23 (D) the medical risks associated with carrying
24 the child to term;

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

27 (A) medical assistance benefits may be available

1 for prenatal care, childbirth, and neonatal care;

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

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

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

11 (A) provides ~~[-D-]~~ the pregnant woman with ~~has~~
12 ~~the right to review~~ the printed materials described by Section
13 171.014; and

14 (B) informs the pregnant woman ~~[-r]~~ that those
15 materials:

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

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

20 (iii) ~~[-r and that the materials]~~ describe
21 the unborn child and list agencies that offer alternatives to
22 abortion; and

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

25 (4) before any sedative or anesthesia is administered
26 to the pregnant woman and at least 24 hours before the abortion or
27 at least two hours before the abortion if the pregnant woman waives

1 this right by certifying that she currently resides in a rural
2 county or lives 100 miles or more from the nearest abortion
3 provider:

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

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

11 (C) the physician who is to perform the abortion
12 provides, in a manner understandable to a layperson, a verbal
13 explanation of the results of the sonogram images, including a
14 medical description of the dimensions of the embryo or fetus, the
15 presence of cardiac activity, and the presence of external members
16 and internal organs; and

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

24 (5) before receiving a sonogram under Subdivision
25 (4)(A) and [~~(3) the woman certifies in writing~~] before the abortion
26 is performed and before any sedative or anesthesia is administered,
27 the pregnant woman completes and certifies with her signature an

1 election form that states as follows:

2 "ABORTION AND SONOGRAM ELECTION

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

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

9 (3) TEXAS LAW REQUIRES THAT I RECEIVE A SONOGRAM
10 PRIOR TO RECEIVING AN ABORTION.

11 (4) I UNDERSTAND THAT I HAVE A RIGHT TO VIEW THE
12 SONOGRAM IMAGES. I ELECT ___ TO VIEW ___ NOT TO VIEW
13 THE SONOGRAM IMAGES.

14 (5) I UNDERSTAND THAT I HAVE A RIGHT TO HEAR THE
15 HEARTBEAT. I ELECT ___ TO HEAR ___ NOT TO HEAR THE
16 HEARTBEAT.

17 (6) I UNDERSTAND THAT I AM REQUIRED BY LAW TO
18 HEAR AN EXPLANATION OF THE SONOGRAM IMAGES UNLESS I
19 CERTIFY IN WRITING TO ONE OF THE FOLLOWING:

20 ___ I AM PREGNANT AS A RESULT OF A SEXUAL ASSAULT,
21 INCEST, OR OTHER VIOLATION OF THE TEXAS PENAL CODE THAT
22 HAS BEEN REPORTED TO LAW ENFORCEMENT AUTHORITIES OR
23 THAT HAS NOT BEEN REPORTED BECAUSE I REASONABLY
24 BELIEVE THAT DOING SO WOULD PUT ME AT RISK OF
25 RETALIATION RESULTING IN SERIOUS BODILY INJURY.

26 ___ I AM A MINOR AND OBTAINING AN ABORTION IN
27 ACCORDANCE WITH JUDICIAL BYPASS PROCEDURES UNDER

1 CHAPTER 33, TEXAS FAMILY CODE.

2 MY FETUS HAS AN IRREVERSIBLE MEDICAL
3 CONDITION OR ABNORMALITY, AS IDENTIFIED BY RELIABLE
4 DIAGNOSTIC PROCEDURES AND DOCUMENTED IN MY MEDICAL
5 FILE.

6 I AM MAKING THIS ELECTION OF MY OWN FREE WILL
7 AND WITHOUT COERCION OR SUGGESTION FROM THE DOCTOR,
8 THE DOCTOR'S AGENT, OR THE SONOGRAPHER.

9 FOR A RESIDENT OF A RURAL COUNTY ONLY:

10 I CERTIFY THAT, BECAUSE I CURRENTLY RESIDE IN A
11 RURAL COUNTY WITH A POPULATION OF 60,000 OR LESS OR I
12 LIVE 100 MILES OR MORE FROM THE NEAREST ABORTION
13 PROVIDER, I WAIVE MY RIGHT TO WAIT 24 HOURS AFTER THE
14 SONOGRAM IS PERFORMED BEFORE RECEIVING THE ABORTION
15 PROCEDURE. MY COUNTY OF RESIDENCE IS:_____.

16

17

18

SIGNATURE

DATE"

19 ~~[that the information described by Subdivisions (1) and (2) has~~
20 ~~been provided to her and that she has been informed of her~~
21 ~~opportunity to review the information described by Section~~
22 ~~171.014]; [and]~~

23 (6) [(4)] before the abortion is performed, the
24 physician who is to perform the abortion receives a copy of the
25 signed, written certification required by Subdivision (5); and

26 (7) the pregnant woman is provided the name of each
27 person who provides or explains the information required under this

1 subsection [(3)].

2 (a-1) During a visit made to a facility to fulfill the
3 requirements of Subsection (a), the facility and any person at the
4 facility may not accept any form of payment, deposit, or exchange or
5 make any financial agreement for an abortion or abortion-related
6 services other than for payment of a service required by Subsection
7 (a). The amount charged for a service required by Subsection (a)
8 may not exceed the reimbursement rate established for the service
9 by the Health and Human Services Commission for statewide medical
10 reimbursement programs.

11 (b) The information required to be provided under
12 Subsections (a)(1) and (2) may not be provided by audio or video
13 recording and must be provided at least 24 hours before the abortion
14 is to be performed:

15 (1) orally and [by telephone or] in person in a private
16 and confidential setting if the pregnant woman does not reside in a
17 rural county; or [and]

18 (2) orally by telephone or in person in a private and
19 confidential setting if the pregnant woman certifies that the woman
20 currently resides in a rural county or lives 100 miles or more from
21 the nearest abortion provider [at least 24 hours before the
22 abortion is to be performed].

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

1 SECTION 3. Subchapter B, Chapter 171, Health and Safety
2 Code, is amended by adding Sections 171.0121, 171.0122, 171.0123,
3 and 171.0124 to read as follows:

4 Sec. 171.0121. MEDICAL RECORD. (a) Before the abortion
5 begins, a copy of the signed, written certification received by the
6 physician under Section 171.012(a)(6) must be placed in the
7 pregnant woman's medical records.

8 (b) A copy of the signed, written certification required
9 under Sections 171.012(a)(5) and (6) shall be retained by the
10 abortion provider until:

11 (1) the seventh anniversary of the date it is signed;

12 or

13 (2) if the pregnant woman is a minor, the later of:

14 (A) the seventh anniversary of the date it is
15 signed; or

16 (B) the woman's 21st birthday.

17 Sec. 171.0122. VIEWING PRINTED MATERIALS AND SONOGRAM
18 IMAGE; HEARING HEART AUSCULTATION OR VERBAL EXPLANATION. (a) A
19 pregnant woman may choose not to view the printed materials
20 provided under Section 171.012(a)(3) after she has been provided
21 the materials.

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

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

1 (d) A pregnant woman may choose not to receive the verbal
2 explanation of the results of the sonogram images under Section
3 171.012(a)(4)(C) if:

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

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

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

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

21 Sec. 171.0123. PATERNITY AND CHILD SUPPORT INFORMATION.

22 If, after being provided with a sonogram and the information
23 required under this subchapter, the pregnant woman chooses not to
24 have an abortion, the physician or an agent of the physician shall
25 provide the pregnant woman with a publication developed by the
26 Title IV-D agency that provides information about paternity
27 establishment and child support, including:

1 (1) the steps necessary for unmarried parents to
2 establish legal paternity;

3 (2) the benefits of paternity establishment for
4 children;

5 (3) the steps necessary to obtain a child support
6 order;

7 (4) the benefits of establishing a legal parenting
8 order; and

9 (5) financial and legal responsibilities of
10 parenting.

11 Sec. 171.0124. EXCEPTION FOR MEDICAL EMERGENCY. A
12 physician may perform an abortion without obtaining informed
13 consent under this subchapter in a medical emergency. A physician
14 who performs an abortion in a medical emergency shall:

15 (1) include in the patient's medical records a
16 statement signed by the physician certifying the nature of the
17 medical emergency; and

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

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

24 (a) The [~~If the woman chooses to view the materials~~
25 ~~described by Section 171.014, the~~] physician or the physician's
26 agent shall furnish copies of the materials described by Section
27 171.014 to the pregnant woman [her] at least 24 hours before the

1 abortion is to be performed and shall direct the pregnant woman to
2 the Internet website required to be published under Section
3 171.014(e). The [A] physician or the physician's agent may furnish
4 the materials to the pregnant woman by mail if the materials are
5 mailed, restricted delivery to addressee, at least 72 hours before
6 the abortion is to be performed.

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

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

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

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

16 (i) a comprehensive list of adoption
17 agencies;

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

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

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

26 (B) do not provide abortions or abortion-related
27 services or make referrals to abortion providers; and

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

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

8 SECTION 6. Subchapter A, Chapter 241, Health and Safety
9 Code, is amended by adding Section 241.007 to read as follows:

10 Sec. 241.007. COMPLIANCE WITH CERTAIN REQUIREMENTS
11 REGARDING SONOGRAM BEFORE ABORTION. A hospital shall comply with
12 Subchapter B, Chapter 171.

13 SECTION 7. Subchapter A, Chapter 243, Health and Safety
14 Code, is amended by adding Section 243.017 to read as follows:

15 Sec. 243.017. COMPLIANCE WITH CERTAIN REQUIREMENTS
16 REGARDING SONOGRAM BEFORE ABORTION. An ambulatory surgical center
17 shall comply with Subchapter B, Chapter 171.

18 SECTION 8. Section 245.006(a), Health and Safety Code, is
19 amended to read as follows:

20 (a) The department shall [~~may~~] inspect an abortion facility
21 at random, unannounced, and reasonable times as necessary to ensure
22 compliance with this chapter and Subchapter B, Chapter 171.

23 SECTION 9. Chapter 245, Health and Safety Code, is amended
24 by adding Section 245.024 to read as follows:

25 Sec. 245.024. COMPLIANCE WITH CERTAIN REQUIREMENTS
26 REGARDING SONOGRAM BEFORE ABORTION. An abortion facility shall
27 comply with Subchapter B, Chapter 171.

1 SECTION 10. Section 164.055(a), Occupations Code, is
2 amended to read as follows:

3 (a) The board shall [~~may~~] take an appropriate disciplinary
4 action against a physician who violates Section 170.002 or Chapter
5 171, Health and Safety Code. The board shall [~~may~~] refuse to admit
6 to examination or refuse to issue a license or renewal license to a
7 person who violates that section or chapter.

8 SECTION 11. Subchapter B, Chapter 164, Occupations Code, is
9 amended by adding Section 164.0551 to read as follows:

10 Sec. 164.0551. COMPLIANCE WITH CERTAIN REQUIREMENTS
11 REGARDING SONOGRAM BEFORE ABORTION. A physician shall comply with
12 Subchapter B, Chapter 171, Health and Safety Code.

13 SECTION 12. (a) The legislature finds the following
14 purposes and justifications for this law:

15 (1) States have "a substantial government interest
16 justifying a requirement that a woman be apprised of the health
17 risks of abortion and childbirth," including mental health
18 considerations. Planned Parenthood of Southeastern Pennsylvania
19 v. Casey, 505 U.S. 833, 882 (1992). "It cannot be questioned that
20 psychological well-being is a facet of health. Nor can it be
21 doubted that most women considering an abortion would deem the
22 impact on the fetus relevant, if not dispositive, to the decision.
23 In attempting to ensure that a woman apprehend the full
24 consequences of her decision, the State furthers the legitimate
25 purpose of reducing the risk that a woman may elect an abortion,
26 only to discover later, with devastating psychological
27 consequences, that her decision was not fully informed. If the

1 information the State requires to be made available to the woman is
2 truthful and not misleading, the requirement may be permissible."

3 Id.

4 (2) The consideration of an abortion's consequences to
5 a fetus is not contingent on the consideration of the health of the
6 mother. Rather, those considerations provide a stand-alone basis
7 for informed consent legislation. There is "no reason why the State
8 may not require doctors to inform a woman seeking an abortion of the
9 availability of materials relating to the consequences to the
10 fetus, even when those consequences have no direct relation to her
11 health." Id.

12 (3) In addition to the state's substantial interest in
13 promoting the health and well-being of a pregnant woman, the state
14 also has a "profound interest in potential life" of the unborn
15 fetus. Id. at 878; see also Gonzales v. Carhart, 550 U.S. 124, 125
16 (2007) (recognizing that the state has a legitimate interest "in
17 protecting the life of the fetus that may become a child").

18 (4) A statute furthering a state's "legitimate goal of
19 protecting the life of the unborn" by "ensuring a decision that is
20 mature and informed" is permitted "even when in so doing the State
21 expresses a preference for childbirth over abortion." Planned
22 Parenthood, 505 U.S. at 883.

23 (5) In addition, the Supreme Court has held that
24 "[r]egulations which do no more than create a structural mechanism
25 by which the State, or the parent or guardian of a minor, may
26 express profound respect for the life of the unborn are permitted,
27 if they are not a substantial obstacle to the woman's exercise of

1 the right to choose." Id. at 877. "Unless it has that effect on her
2 right of choice, a state measure designed to persuade her to choose
3 childbirth over abortion will be upheld if reasonably related to
4 that goal." Id. at 878.

5 (6) "The State also has an interest in protecting the
6 integrity and ethics of the medical profession." Washington v.
7 Glucksberg, 521 U.S. 702, 731 (1997). An abortion performed
8 without a medical professional's full disclosure to a pregnant
9 woman of the impact on the fetus and the potential health
10 consequences of an abortion could undermine the woman's trust in
11 medical professionals. This Act is intended to protect the
12 integrity and ethics of the medical profession by establishing
13 clear requirements that are designed to ensure the health and
14 informed consent of a pregnant woman who is contemplating an
15 abortion.

16 (b) Therefore, it is the legislature's intent in enacting
17 this Act to further the purposes stated in Subsection (a) of this
18 section.

19 (c) Furthermore, with regard to the severability clause
20 contained in this Act, the legislature finds:

21 (1) As the United States Supreme Court has explained,
22 when reviewing an abortion statute, "the proper means to consider
23 exceptions is by as-applied challenge." Gonzales, 550 U.S. at 167.
24 Moreover, when reviewing abortion statutes, "[t]he latitude given
25 facial challenges in the First Amendment context is inapplicable."
26 Id. See also U.S. v. Salerno, 481 U.S. 739, 745 (1987) ("The fact
27 that [a legislative Act] might operate unconstitutionally under

1 some conceivable set of circumstances is insufficient to render it
2 wholly invalid, since we have not recognized an 'overbreadth'
3 doctrine outside the limited context of the First Amendment.").

4 (2) The United States Supreme Court has made the role
5 of the court clear when reviewing statutes: "It is neither our
6 obligation nor within our traditional institutional role to resolve
7 questions of constitutionality with respect to each potential
8 situation that might develop." Gonzales, 550 U.S. at 168. "[I]t
9 would indeed be undesirable for this Court to consider every
10 conceivable situation which might possibly arise in the application
11 of complex and comprehensive legislation." Id. (quoting U.S. v.
12 Raines, 362 U.S. 17, 21 (1960) (internal quotation marks omitted)).
13 "For this reason, '[a]s-applied challenges are the basic building
14 blocks of constitutional adjudication.'" Gonzales, 550 U.S. at 168
15 (quoting Richard Fallon, As-Applied and Facial Challenges and
16 Third-Party Standing, 113 Harv. L. Rev. 1321, 1328 (2000)).

17 (3) Severability must be considered not only with
18 respect to certain clauses or provisions of a statute but also with
19 respect to applications of a statute or provision when some of the
20 applications are unconstitutional. See Norman J. Singer, Statutes
21 and Statutory Construction, Section 44.02 (4th ed. rev. 1986).

22 (4) Severability clauses in federal statutes treat
23 severability of clauses and applications the same. See, e.g., 2
24 U.S.C. Section 1438 ("If any provision of this chapter or the
25 application of such provision to any person or circumstance is held
26 to be invalid, the remainder of this chapter and the application of
27 the provisions of the remainder to any person or circumstance shall

1 not be affected thereby."); Section 1103 of the Social Security Act
2 (42 U.S.C. Section 1303); Section 15 of the National Labor
3 Relations Act (29 U.S.C. Section 165); Section 11 of the Railway
4 Labor Act (45 U.S.C. Section 161); Section 14 of the Agricultural
5 Adjustment Act (7 U.S.C. Section 614).

6 (5) Courts have treated severability of clauses and
7 applications the same. See Robert L. Stern, Separability and
8 Separability Clauses in the Supreme Court, 51 Harv. L. Rev. 76
9 (1937).

10 SECTION 13. The purposes of this Act include, but are not
11 limited to:

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

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

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

19 SECTION 14. The change in law made by this Act applies only
20 to an abortion performed on or after the 30th day after the
21 effective date of this Act. An abortion performed before the 30th
22 day after the effective date of this Act is governed by the law in
23 effect on the date the abortion was performed, and the former law is
24 continued in effect for that purpose.

25 SECTION 15. The Title IV-D agency shall publish the
26 information required by Section 171.0123, Health and Safety Code,
27 as added by this Act, not later than the 30th day after the

1 effective date of this Act.

2 SECTION 16. Every provision in this Act and every
3 application of the provisions in this Act are severable from each
4 other. If any application of any provision in this Act to any
5 person or group of persons or circumstances is found by a court to
6 be invalid, the remainder of this Act and the application of the
7 Act's provisions to all other persons and circumstances may not be
8 affected. All constitutionally valid applications of this Act
9 shall be severed from any applications that a court finds to be
10 invalid, leaving the valid applications in force, because it is the
11 legislature's intent and priority that the valid applications be
12 allowed to stand alone. Even if a reviewing court finds a provision
13 of this Act invalid in a large or substantial fraction of relevant
14 cases, the remaining valid applications shall be severed and
15 allowed to remain in force.

16 SECTION 17. This Act takes effect immediately if it
17 receives a vote of two-thirds of all the members elected to each
18 house, as provided by Section 39, Article III, Texas Constitution.
19 If this Act does not receive the vote necessary for immediate
20 effect, this Act takes effect September 1, 2011.

ADOPTED

on 3rd
MAY 03 2011

Atay Law
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: *Jan P. Smith*

1 Amend H.B. No. 15 on third reading as follows:

2 (1) In added Section 171.012(a)(4), Health and Safety Code,
3 as amended by Amendment No. ___ by Davis, between "Chapter 245" and
4 the colon, insert "or a facility that performs more than 50
5 abortions in any 12-month period".

6 (2) In added Section 171.012(a)(5), Health and Safety Code,
7 in item (8) of the election form, between "ABORTION PROVIDER" and
8 "ONLY", insert "THAT IS A FACILITY LICENSED UNDER CHAPTER 245 OR A
9 FACILITY THAT PERFORMS MORE THAN 50 ABORTIONS IN ANY 12-MONTH
10 PERIOD".

11 (3) In added Section 171.012(a)(5), Health and Safety Code,
12 as amended by Amendment No. ___ by Davis, in item (8) of the
13 election form, between "CHAPTER 245" and the comma, insert "OR A
14 FACILITY THAT PERFORMS MORE THAN 50 ABORTIONS IN ANY 12-MONTH
15 PERIOD".

16 (4) In amended Section 171.012(b)(1), Health and Safety
17 Code, between "abortion provider" and the semicolon, insert "that
18 is a facility licensed under Chapter 245 or a facility that performs
19 more than 50 abortions in any 12-month period".

20 (5) In amended Section 171.012(b)(2), Health and Safety
21 Code, as amended by Amendment No. ___ by Davis, after "Chapter 245",
22 insert "or a facility that performs more than 50 abortions in any
23 12-month period".

ADOPTED

21-10
MAY 02 2011

Atty. Gen.
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: *J. Smith*

1 Amend C.S.H.B. No. 15 (senate committee report) by striking
2 all below the enacting clause and substituting the following:

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

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

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

11 (2) "Abortion provider" means a facility where an
12 abortion is performed, including the office of a physician and a
13 facility licensed under Chapter 245.

14 (3) "Medical emergency" means a life-threatening
15 physical condition aggravated by, caused by, or arising from a
16 pregnancy that, as certified by a physician, places the woman in
17 danger of death or a serious risk of substantial impairment of a
18 major bodily function unless an abortion is performed.

19 (4) "Sonogram" means the use of ultrasonic waves for
20 diagnostic or therapeutic purposes, specifically to monitor an
21 unborn child.

22 SECTION 2. Section 171.012, Health and Safety Code, is
23 amended by amending Subsections (a), (b), and (c) and adding
24 Subsection (a-1) to read as follows:

25 (a) Consent [~~Except in the case of a medical emergency,~~
26 ~~consent~~] to an abortion is voluntary and informed only if:

27 (1) the physician who is to perform the abortion [~~or~~
28 ~~the referring physician~~] informs the pregnant woman on whom the
29 abortion is to be performed of:

1 (A) the physician's name [~~of the physician who~~
2 ~~will perform the abortion~~];

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

6 (i) the risks of infection and hemorrhage;

7 (ii) the potential danger to a subsequent
8 pregnancy and of infertility; and

9 (iii) the possibility of increased risk of
10 breast cancer following an induced abortion and the natural
11 protective effect of a completed pregnancy in avoiding breast
12 cancer;

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

15 (D) the medical risks associated with carrying
16 the child to term;

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

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

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

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

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

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

1 171.014; and

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

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

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

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

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

13 (4) before any sedative or anesthesia is administered
14 to the pregnant woman and at least 24 hours before the abortion or
15 at least two hours before the abortion if the pregnant woman waives
16 this requirement by certifying that she currently lives 100 miles
17 or more from the nearest abortion provider:

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

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

25 (C) the physician who is to perform the abortion
26 provides, in a manner understandable to a layperson, a verbal
27 explanation of the results of the sonogram images, including a
28 medical description of the dimensions of the embryo or fetus, the
29 presence of cardiac activity, and the presence of external members
30 and internal organs; and

31 (D) the physician who is to perform the abortion

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

7 (5) before receiving a sonogram under Subdivision
8 (4)(A) and [~~(3) the woman certifies in writing~~] before the abortion
9 is performed and before any sedative or anesthesia is administered,
10 the pregnant woman completes and certifies with her signature an
11 election form that states as follows:

12 "ABORTION AND SONOGRAM ELECTION

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

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

19 (3) TEXAS LAW REQUIRES THAT I RECEIVE A SONOGRAM
20 PRIOR TO RECEIVING AN ABORTION.

21 (4) I UNDERSTAND THAT I HAVE THE OPTION TO VIEW
22 THE SONOGRAM IMAGES.

23 (5) I UNDERSTAND THAT I HAVE THE OPTION TO HEAR
24 THE HEARTBEAT.

25 (6) I UNDERSTAND THAT I AM REQUIRED BY LAW TO
26 HEAR AN EXPLANATION OF THE SONOGRAM IMAGES UNLESS I
27 CERTIFY IN WRITING TO ONE OF THE FOLLOWING:

28 ____ I AM PREGNANT AS A RESULT OF A SEXUAL ASSAULT,
29 INCEST, OR OTHER VIOLATION OF THE TEXAS PENAL CODE THAT
30 HAS BEEN REPORTED TO LAW ENFORCEMENT AUTHORITIES OR
31 THAT HAS NOT BEEN REPORTED BECAUSE I REASONABLY

1 BELIEVE THAT DOING SO WOULD PUT ME AT RISK OF
2 RETALIATION RESULTING IN SERIOUS BODILY INJURY.

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

6 MY FETUS HAS AN IRREVERSIBLE MEDICAL
7 CONDITION OR ABNORMALITY, AS IDENTIFIED BY RELIABLE
8 DIAGNOSTIC PROCEDURES AND DOCUMENTED IN MY MEDICAL
9 FILE.

10 (7) I AM MAKING THIS ELECTION OF MY OWN FREE WILL
11 AND WITHOUT COERCION.

12 (8) FOR A WOMAN WHO LIVES 100 MILES OR MORE FROM
13 THE NEAREST ABORTION PROVIDER ONLY:

14 I CERTIFY THAT, BECAUSE I CURRENTLY LIVE 100
15 MILES OR MORE FROM THE NEAREST ABORTION PROVIDER, I
16 WAIVE THE REQUIREMENT TO WAIT 24 HOURS AFTER THE
17 SONOGRAM IS PERFORMED BEFORE RECEIVING THE ABORTION
18 PROCEDURE. MY PLACE OF RESIDENCE IS:_____.

19

20

21 _____
SIGNATURE

21 _____
DATE"

22 ~~[that the information described by Subdivisions (1) and (2) has~~
23 ~~been provided to her and that she has been informed of her~~
24 ~~opportunity to review the information described by Section~~
25 ~~171.014]; [and]~~

26 (6) [(4)] before the abortion is performed, the
27 physician who is to perform the abortion receives a copy of the
28 signed, written certification required by Subdivision (5); and

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

1 (a-1) During a visit made to a facility to fulfill the
2 requirements of Subsection (a), the facility and any person at the
3 facility may not accept any form of payment, deposit, or exchange or
4 make any financial agreement for an abortion or abortion-related
5 services other than for payment of a service required by Subsection
6 (a). The amount charged for a service required by Subsection (a)
7 may not exceed the reimbursement rate established for the service
8 by the Health and Human Services Commission for statewide medical
9 reimbursement programs.

10 (b) The information required to be provided under
11 Subsections (a)(1) and (2) may not be provided by audio or video
12 recording and must be provided at least 24 hours before the abortion
13 is to be performed:

14 (1) orally and ~~[by telephone or]~~ in person in a private
15 and confidential setting if the pregnant woman currently lives less
16 than 100 miles from the nearest abortion provider; or [and]

17 (2) orally by telephone or in person in a private and
18 confidential setting if the pregnant woman certifies that the woman
19 currently lives 100 miles or more from the nearest abortion
20 provider [at least 24 hours before the abortion is to be performed].

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

26 SECTION 3. Subchapter B, Chapter 171, Health and Safety
27 Code, is amended by adding Sections 171.0121, 171.0122, 171.0123,
28 and 171.0124 to read as follows:

29 Sec. 171.0121. MEDICAL RECORD. (a) Before the abortion
30 begins, a copy of the signed, written certification received by the
31 physician under Section 171.012(a)(6) must be placed in the

1 pregnant woman's medical records.

2 (b) A copy of the signed, written certification required
3 under Sections 171.012(a)(5) and (6) shall be retained by the
4 facility where the abortion is performed until:

5 (1) the seventh anniversary of the date it is signed;
6 or

7 (2) if the pregnant woman is a minor, the later of:

8 (A) the seventh anniversary of the date it is
9 signed; or

10 (B) the woman's 21st birthday.

11 Sec. 171.0122. VIEWING PRINTED MATERIALS AND SONOGRAM
12 IMAGE; HEARING HEART AUSCULTATION OR VERBAL EXPLANATION. (a) A
13 pregnant woman may choose not to view the printed materials
14 provided under Section 171.012(a)(3) after she has been provided
15 the materials.

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

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

22 (d) A pregnant woman may choose not to receive the verbal
23 explanation of the results of the sonogram images under Section
24 171.012(a)(4)(C) if:

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

31 (2) the woman is a minor and obtaining an abortion in

1 accordance with judicial bypass procedures under Chapter 33, Family
2 Code; or

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

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

11 Sec. 171.0123. PATERNITY AND CHILD SUPPORT INFORMATION.
12 If, after being provided with a sonogram and the information
13 required under this subchapter, the pregnant woman chooses not to
14 have an abortion, the physician or an agent of the physician shall
15 provide the pregnant woman with a publication developed by the
16 Title IV-D agency that provides information about paternity
17 establishment and child support, including:

18 (1) the steps necessary for unmarried parents to
19 establish legal paternity;

20 (2) the benefits of paternity establishment for
21 children;

22 (3) the steps necessary to obtain a child support
23 order;

24 (4) the benefits of establishing a legal parenting
25 order; and

26 (5) financial and legal responsibilities of
27 parenting.

28 Sec. 171.0124. EXCEPTION FOR MEDICAL EMERGENCY. A
29 physician may perform an abortion without obtaining informed
30 consent under this subchapter in a medical emergency. A physician
31 who performs an abortion in a medical emergency shall:

1 (1) include in the patient's medical records a
2 statement signed by the physician certifying the nature of the
3 medical emergency; and

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

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

10 (a) The [~~If the woman chooses to view the materials~~
11 ~~described by Section 171.014, the~~] physician or the physician's
12 agent shall furnish copies of the materials described by Section
13 171.014 to the pregnant woman [~~her~~] at least 24 hours before the
14 abortion is to be performed and shall direct the pregnant woman to
15 the Internet website required to be published under Section
16 171.014(e). The [A] physician or the physician's agent may furnish
17 the materials to the pregnant woman by mail if the materials are
18 mailed, restricted delivery to addressee, at least 72 hours before
19 the abortion is to be performed.

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

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

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

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

29 (i) a comprehensive list of adoption
30 agencies;

31 (ii) a description of the services the

1 adoption agencies offer; ~~and~~

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

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

8 (B) do not provide abortions or abortion-related
9 services or make referrals to abortion providers; and

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

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

17 SECTION 6. Subchapter A, Chapter 241, Health and Safety
18 Code, is amended by adding Section 241.007 to read as follows:

19 Sec. 241.007. COMPLIANCE WITH CERTAIN REQUIREMENTS
20 REGARDING SONOGRAM BEFORE ABORTION. A hospital shall comply with
21 Subchapter B, Chapter 171.

22 SECTION 7. Subchapter A, Chapter 243, Health and Safety
23 Code, is amended by adding Section 243.017 to read as follows:

24 Sec. 243.017. COMPLIANCE WITH CERTAIN REQUIREMENTS
25 REGARDING SONOGRAM BEFORE ABORTION. An ambulatory surgical center
26 shall comply with Subchapter B, Chapter 171.

27 SECTION 8. Section 245.006(a), Health and Safety Code, is
28 amended to read as follows:

29 (a) The department shall inspect ~~may~~ inspect an abortion facility
30 at random, unannounced, and reasonable times as necessary to ensure
31 compliance with this chapter and Subchapter B, Chapter 171.

1 SECTION 9. Chapter 245, Health and Safety Code, is amended
2 by adding Section 245.024 to read as follows:

3 Sec. 245.024. COMPLIANCE WITH CERTAIN REQUIREMENTS
4 REGARDING SONOGRAM BEFORE ABORTION. An abortion facility shall
5 comply with Subchapter B, Chapter 171.

6 SECTION 10. Section 164.055(a), Occupations Code, is
7 amended to read as follows:

8 (a) The board shall [~~may~~] take an appropriate disciplinary
9 action against a physician who violates Section 170.002 or Chapter
10 171, Health and Safety Code. The board shall [~~may~~] refuse to admit
11 to examination or refuse to issue a license or renewal license to a
12 person who violates that section or chapter.

13 SECTION 11. Subchapter B, Chapter 164, Occupations Code, is
14 amended by adding Section 164.0551 to read as follows:

15 Sec. 164.0551. COMPLIANCE WITH CERTAIN REQUIREMENTS
16 REGARDING SONOGRAM BEFORE ABORTION. A physician shall comply with
17 Subchapter B, Chapter 171, Health and Safety Code.

18 SECTION 12. The purposes of this Act include, but are not
19 limited to:

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

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

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

27 SECTION 13. The change in law made by this Act applies only
28 to an abortion performed on or after the 30th day after the
29 effective date of this Act. An abortion performed before the 30th
30 day after the effective date of this Act is governed by the law in
31 effect on the date the abortion was performed, and the former law is

1 continued in effect for that purpose.

2 SECTION 14. The Title IV-D agency shall publish the
3 information required by Section 171.0123, Health and Safety Code,
4 as added by this Act, not later than the 30th day after the
5 effective date of this Act.

6 SECTION 15. Every provision in this Act and every
7 application of the provisions in this Act are severable from each
8 other. If any application of any provision in this Act to any
9 person or group of persons or circumstances is found by a court to
10 be invalid, the remainder of this Act and the application of the
11 Act's provisions to all other persons and circumstances may not be
12 affected. All constitutionally valid applications of this Act
13 shall be severed from any applications that a court finds to be
14 invalid, leaving the valid applications in force, because it is the
15 legislature's intent and priority that the valid applications be
16 allowed to stand alone. Even if a reviewing court finds a provision
17 of this Act invalid in a large or substantial fraction of relevant
18 cases, the remaining valid applications shall be severed and
19 allowed to remain in force.

20 SECTION 16. This Act takes effect immediately if it
21 receives a vote of two-thirds of all the members elected to each
22 house, as provided by Section 39, Article III, Texas Constitution.
23 If this Act does not receive the vote necessary for immediate
24 effect, this Act takes effect September 1, 2011.

ADOPTED

MAY 02 2011

Arlene Spaw
Secretary of the Senate

Wendy R Davis

FLOOR AMENDMENT NO. 4

BY: _____

(Amendment No. 1 by Patrick to)

1 Amend C.S.H.B. No. 15 (senate committee report) in SECTION 2
2 of the ~~bill~~ ^(amendment) as follows:

3 (1) In added Section 171.012(a)(4), Health and Safety Code
4 ~~(page 2, lines 25-26)~~, strike "nearest abortion provider:" and
5 substitute "nearest abortion provider that is a facility licensed
6 under Chapter 245:".

7 (2) In added Section 171.012(a)(5), Health and Safety Code
8 ~~(page 3, lines 20-21)~~, strike "NEAREST ABORTION PROVIDER" and
9 substitute "NEAREST ABORTION PROVIDER THAT IS A FACILITY LICENSED
10 UNDER CHAPTER 245".

11 (3) In amended Section 171.012(b)(2), Health and Safety
12 Code ~~(page 3, line 56)~~, strike "nearest abortion provider" and
13 substitute "nearest abortion provider that is a facility licensed
14 under Chapter 245".

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 4, 2011

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB15 by Miller, Sid (Relating to informed consent to an abortion.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would require the Department of State Health Services (DSHS) to modify informational materials required by Section 171.014, Health and Safety Code. The Office of the Attorney General would be required to develop a publication providing information about paternity establishment and child support. DSHS would be required to receive notification from abortion providers, in the case of procedures performed due to medical emergency, of the specific medical condition constituting the emergency. DSHS would be required to inspect abortion facilities at random, unannounced, and reasonable times as necessary to ensure compliance with Chapter 245, Health and Safety Code and Subchapter B, Chapter 171, Health and Safety Code as amended by the bill; the department is currently authorized to conduct inspections to ensure compliance with Chapter 245, Health and Safety Code. The bill would require the Texas Medical Board to take disciplinary action against a physician who violates Section 170.002 or Chapter 171, Health and Safety Code; the board would be required to refuse to admit to examination or refuse to issue a license or renewal license to a person who violates the specified section or chapter. It is assumed that any cost to implement the provisions of the bill would be minimal and could be absorbed within available resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General, 537 State Health Services, Department of, 503 Texas Medical Board

LBB Staff: JOB, KJG, LR, SD, MB

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 13, 2011

TO: Honorable Robert Duncan, Chair, Senate Committee on State Affairs

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB15 by Miller, Sid (Relating to informed consent to an abortion.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would require the Department of State Health Services (DSHS) to modify informational materials required by Section 171.014, Health and Safety Code. The Office of the Attorney General would be required to develop a publication providing information about paternity establishment and child support. DSHS would be required to receive notification from abortion providers, in the case of procedures performed due to medical emergency, of the specific medical condition constituting the emergency. DSHS would be required to inspect abortion facilities at random, unannounced, and reasonable times as necessary to ensure compliance with Chapter 245, Health and Safety Code and Subchapter B, Chapter 171, Health and Safety Code as amended by the bill; the department is currently authorized to conduct inspections to ensure compliance with Chapter 245, Health and Safety Code. The bill would require the Texas Medical Board to take disciplinary action against a physician who violates Section 170.002 or Chapter 171, Health and Safety Code; the board would be required to refuse to admit to examination or refuse to issue a license or renewal license to a person who violates the specified section or chapter. It is assumed that any cost to implement the provisions of the bill would be minimal and could be absorbed within available resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General, 537 State Health Services, Department of, 503 Texas Medical Board

LBB Staff: JOB, KJG, LR, SD, MB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 10, 2011

TO: Honorable Robert Duncan, Chair, Senate Committee on State Affairs

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB15 by Miller, Sid (Relating to providing a sonogram before an abortion; providing penalties.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would require the Department of State Health Services (DSHS) to compile and make available, at no cost, a list of health care providers, facilities, and clinics that offer no-cost obstetric sonogram services. DSHS would be required to prepare a form to be used to certify certain provisions of the bill had been met before an abortion was performed. The Office of the Attorney General (OAG) would be required to develop a publication providing information about paternity establishment and child support. DSHS would be required to receive notification from abortion providers, in the case of procedures performed due to medical emergency, of the specific medical condition constituting the emergency. The bill would require the Texas Medical Board or DSHS to revoke the license of a physician or abortion provider that violates the requirements of Subchapter C as added by the bill to Chapter 171, Health and Safety Code. DSHS would be required to inspect abortion facilities at reasonable times as necessary to ensure compliance with Chapter 245, Health and Safety Code and Subchapter C, Chapter 171, Health and Safety Code as added by the bill; the department is currently authorized to conduct such inspections to ensure compliance with Chapter 245, Health and Safety Code.

It is assumed that any cost to implement the provisions of the bill would be minimal and could be absorbed within available resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General, 537 State Health Services, Department of, 503 Texas Medical Board

LBB Staff: JOB, KJG, LR, SD, MB

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

Revision 1

March 2, 2011

TO: Honorable Byron Cook, Chair, House Committee on State Affairs

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: **HB15** by Miller, Sid (Relating to providing a sonogram before an abortion; providing penalties.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would require the Department of State Health Services (DSHS) to compile and make available, at no cost, a list of health care providers, facilities, and clinics that offer no-cost obstetric sonogram services. DSHS would be required to prepare a form to be used to certify certain provisions of the bill had been met before an abortion was performed. DSHS would be required to receive notification from abortion providers, in the case of procedures performed due to medical emergency, of the specific medical condition constituting the emergency. The bill would require the Texas Medical Board or DSHS to revoke the license of a physician or abortion provider that violates the requirements of Subchapter C as added by the bill to Chapter 171, Health and Safety Code.

It is assumed that any cost to implement the provisions of the bill would be minimal and could be absorbed within available resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 503 Texas Medical Board, 537 State Health Services, Department of

LBB Staff: JOB, KJG, LR, SD, MB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

February 25, 2011

TO: Honorable Byron Cook, Chair, House Committee on State Affairs

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: **HB15** by Miller, Sid (Relating to providing a sonogram before an abortion; providing penalties.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would require the Department of State Health Services (DSHS) to compile and make available, at no cost, a list of health care providers, facilities, and clinics that offer no-cost obstetric sonogram services. DSHS would be required to prepare a form to be used to certify certain provisions of the bill had been met before an abortion was performed. DSHS would be required to receive notification from abortion providers, in the case of procedures performed due to medical emergency, of the specific medical condition constituting the emergency. The bill would require the Texas Medical Board or DSHS to revoke the license of a physician or abortion provider that violates the requirements of Subchapter C as added by the bill to Chapter 171, Health and Safety Code.

It is assumed that any cost to implement the provisions of the bill would be minimal and could be absorbed within available resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 503 Texas Medical Board, 537 State Health Services, Department of

LBB Staff: JOB, KJG, MB, LR

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

Revision 1

March 2, 2011

TO: Honorable Byron Cook, Chair, House Committee on State Affairs

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: **HB15** by Miller, Sid (Relating to providing a sonogram before an abortion; providing penalties.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would require the Department of State Health Services (DSHS) to compile and make available, at no cost, a list of health care providers, facilities, and clinics that offer no-cost obstetric sonogram services. DSHS would be required to prepare a form to be used to certify certain provisions of the bill had been met before an abortion was performed. DSHS would be required to receive notification from abortion providers, in the case of procedures performed due to medical emergency, of the specific medical condition constituting the emergency. The bill would require the Texas Medical Board or DSHS to revoke the license of a physician or abortion provider that violates the requirements of Subchapter C as added by the bill to Chapter 171, Health and Safety Code.

It is assumed that any cost to implement the provisions of the bill would be minimal and could be absorbed within available resources.

Local Government Impact

The bill would allow actions for damages or injunctive relief to be brought in district courts. The number of such actions cannot be estimated, but it is assumed that it would be small and no significant fiscal implication to units of local government is anticipated.

Source Agencies: 503 Texas Medical Board, 537 State Health Services, Department of

LBB Staff: JOB, KJG, LR, SD, MB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

February 22, 2011

TO: Honorable Byron Cook, Chair, House Committee on State Affairs

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: **HB15** by Miller, Sid (Relating to providing a sonogram before an abortion; providing penalties.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would require the Department of State Health Services (DSHS) to compile and make available, at no cost, a list of health care providers, facilities, and clinics that offer no-cost obstetric sonogram services. DSHS would be required to prepare a form to be used to certify certain provisions of the bill had been met before an abortion was performed. DSHS would be required to receive notification from abortion providers, in the case of procedures performed due to medical emergency, of the specific medical condition constituting the emergency. The bill would require the Texas Medical Board or DSHS to revoke the license of a physician or abortion provider that violates the requirements of Subchapter C as added by the bill to Chapter 171, Health and Safety Code.

It is assumed that any cost to implement the provisions of the bill would be minimal and could be absorbed within available resources.

Local Government Impact

The bill would allow actions for damages or injunctive relief to be brought in district courts. The number of such actions cannot be estimated, but it is assumed that it would be small and no significant fiscal implication to units of local government is anticipated.

Source Agencies: 503 Texas Medical Board, 537 State Health Services, Department of

LBB Staff: JOB, KJG, MB, LR