

By: Patrick

S.B. No. 18

A BILL TO BE ENTITLED

AN ACT

relating to distributing or prescribing abortion-inducing drugs;
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. ABORTION-INDUCING DRUGS

Sec. 171.051. DEFINITIONS. In this subchapter:

(1) "Abortion" means the act of using, administering,
prescribing, or otherwise providing an instrument, a drug, a
medicine, or any other substance, device, or means with the intent
to terminate a clinically diagnosable pregnancy of a woman and with
knowledge that the termination by those means will, with reasonable
likelihood, cause the death of the woman's unborn child. An act is
not an abortion if the act is done with the intent to:

(A) save the life or preserve the health of an
unborn child;

(B) remove a dead, unborn child whose death was
caused by spontaneous abortion;

(C) remove an ectopic pregnancy; or

(D) treat a maternal disease or illness for which
a prescribed drug, medicine, or other substance is indicated.

(2) "Abortion-inducing drug" means a drug, a medicine,
or any other substance, including a regimen of two or more drugs,

1 medicines, or substances, prescribed, dispensed, or administered
2 with the intent of terminating a clinically diagnosable pregnancy
3 of a woman and with knowledge that the termination will, with
4 reasonable likelihood, cause the death of the woman's unborn child.
5 The term includes off-label use of drugs, medicines, or other
6 substances known to have abortion-inducing properties that are
7 prescribed, dispensed, or administered with the intent of causing
8 an abortion, including the Mifeprex regimen. The term does not
9 include a drug, medicine, or other substance that may be known to
10 cause an abortion but is prescribed, dispensed, or administered for
11 other medical reasons.

12 (3) "Final printed label" or "FPL" means the
13 informational document approved by the United States Food and Drug
14 Administration for an abortion-inducing drug that:

15 (A) outlines the protocol authorized by that
16 agency and agreed to by the drug company applying for authorization
17 of the drug by that agency; and

18 (B) delineates how a drug is to be used according
19 to approval by that agency.

20 (4) "Gestational age" means the amount of time that
21 has elapsed since the first day of a woman's last menstrual period.

22 (5) "Medical abortion" means the administration or use
23 of an abortion-inducing drug to induce an abortion.

24 (6) "Mifeprex regimen," "RU-486 regimen," or "RU-486"
25 means the abortion-inducing drug regimen approved by the United
26 States Food and Drug Administration that consists of administering
27 mifepristone and misoprostol.

1 (7) "Physician" means an individual who is licensed to
2 practice medicine in this state, including a medical doctor and a
3 doctor of osteopathic medicine.

4 (8) "Pregnant" means the female reproductive
5 condition of having an unborn child in a woman's uterus.

6 (9) "Unborn child" means an offspring of human beings
7 from conception until birth.

8 Sec. 171.052. ENFORCEMENT BY TEXAS MEDICAL BOARD.
9 Notwithstanding Section 171.005, the Texas Medical Board shall
10 enforce this subchapter.

11 Sec. 171.053. DISTRIBUTION OF ABORTION-INDUCING DRUG.
12 (a) A person may not knowingly give, sell, dispense, administer,
13 provide, or prescribe an abortion-inducing drug to a pregnant woman
14 for the purpose of inducing an abortion in the pregnant woman or
15 enabling another person to induce an abortion in the pregnant woman
16 unless:

17 (1) the person who gives, sells, dispenses,
18 administers, provides, or prescribes the abortion-inducing drug is
19 a physician; and

20 (2) the provision, prescription, or administration of
21 the abortion-inducing drug satisfies the protocol tested and
22 authorized by the United States Food and Drug Administration as
23 outlined in the final printed label of the abortion-inducing drug.

24 (b) Before the physician gives, sells, dispenses,
25 administers, provides, or prescribes an abortion-inducing drug,
26 the physician must examine the pregnant woman and document, in the
27 woman's medical record, the gestational age and intrauterine

1 location of the pregnancy.

2 (c) The physician who gives, sells, dispenses, administers,
3 provides, or prescribes an abortion-inducing drug shall provide the
4 pregnant woman with:

5 (1) a copy of the final printed label of that
6 abortion-inducing drug; and

7 (2) a telephone number by which the pregnant woman may
8 reach the physician, or other health care personnel employed by the
9 physician or by the facility at which the abortion was performed
10 with access to the woman's relevant medical records, 24 hours a day
11 to request assistance for any complications that arise from the
12 administration or use of the drug or ask health-related questions
13 regarding the administration or use of the drug.

14 (d) The physician who gives, sells, dispenses, administers,
15 provides, or prescribes the abortion-inducing drug, or the
16 physician's agent, must schedule a follow-up visit for the woman to
17 occur not more than 14 days after the administration or use of the
18 drug. At the follow-up visit, the physician must:

19 (1) confirm that the pregnancy is completely
20 terminated; and

21 (2) assess the degree of bleeding.

22 (e) The physician who gives, sells, dispenses, administers,
23 provides, or prescribes the abortion-inducing drug, or the
24 physician's agent, shall make a reasonable effort to ensure that
25 the woman returns for the scheduled follow-up visit under
26 Subsection (d). The physician or the physician's agent shall
27 document a brief description of any effort made to comply with this

1 subsection, including the date, time, and name of the person making
2 the effort, in the woman's medical record.

3 (f) If a physician gives, sells, dispenses, administers,
4 provides, or prescribes an abortion-inducing drug to a pregnant
5 woman for the purpose of inducing an abortion as authorized by this
6 section and the physician knows that the woman experiences a
7 serious adverse event, as defined by the MedWatch Reporting System,
8 during or after the administration or use of the drug, the physician
9 shall report the event to the United States Food and Drug
10 Administration through the MedWatch Reporting System not later than
11 the third day after the date the physician learns that the event
12 occurred.

13 Sec. 171.054. ADMINISTRATIVE PENALTY. (a) The Texas
14 Medical Board may take disciplinary action under Chapter 164,
15 Occupations Code, or assess an administrative penalty under
16 Subchapter A, Chapter 165, Occupations Code, against a person who
17 violates Section 171.053.

18 (b) A penalty may not be assessed under this section against
19 a pregnant woman who receives a medical abortion.

20 SECTION 2. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2013.