

1-1 By: Laubenberg, et al. (Senate Sponsor - Hegar) H.B. No. 2  
 1-2 (In the Senate - Received from the House July 10, 2013;  
 1-3 July 10, 2013, read first time and referred to Committee on Health  
 1-4 and Human Services; July 11, 2013, reported favorably by the  
 1-5 following vote: Yeas 6, Nays 3; July 11, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14		X		
1-15		X		
1-16		X		

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to the regulation of abortion procedures, providers, and  
 1-20 facilities; providing penalties.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. (a) The findings indicate that:

1-23 (1) substantial medical evidence recognizes that an  
 1-24 unborn child is capable of experiencing pain by not later than 20  
 1-25 weeks after fertilization;

1-26 (2) the state has a compelling state interest in  
 1-27 protecting the lives of unborn children from the stage at which  
 1-28 substantial medical evidence indicates that these children are  
 1-29 capable of feeling pain;

1-30 (3) the compelling state interest in protecting the  
 1-31 lives of unborn children from the stage at which substantial  
 1-32 medical evidence indicates that an unborn child is capable of  
 1-33 feeling pain is intended to be separate from and independent of the  
 1-34 compelling state interest in protecting the lives of unborn  
 1-35 children from the stage of viability, and neither state interest is  
 1-36 intended to replace the other; and

1-37 (4) restricting elective abortions at or later than 20  
 1-38 weeks post-fertilization, as provided by this Act, does not impose  
 1-39 an undue burden or a substantial obstacle on a woman's ability to  
 1-40 have an abortion because:

1-41 (A) the woman has adequate time to decide whether  
 1-42 to have an abortion in the first 20 weeks after fertilization; and

1-43 (B) this Act does not apply to abortions that are  
 1-44 necessary to avert the death or substantial and irreversible  
 1-45 physical impairment of a major bodily function of the pregnant  
 1-46 woman or abortions that are performed on unborn children with  
 1-47 severe fetal abnormalities.

1-48 (b) The legislature intends that every application of this  
 1-49 statute to every individual woman shall be severable from each  
 1-50 other. In the unexpected event that the application of this statute  
 1-51 is found to impose an impermissible undue burden on any pregnant  
 1-52 woman or group of pregnant women, the application of the statute to  
 1-53 those women shall be severed from the remaining applications of the  
 1-54 statute that do not impose an undue burden, and those remaining  
 1-55 applications shall remain in force and unaffected, consistent with  
 1-56 Section 10 of this Act.

1-57 SECTION 2. Subchapter A, Chapter 171, Health and Safety  
 1-58 Code, is amended by adding Section 171.0031 to read as follows:

1-59 Sec. 171.0031. REQUIREMENTS OF PHYSICIAN; OFFENSE. (a) A  
 1-60 physician performing or inducing an abortion:

1-61 (1) must, on the date the abortion is performed or

2-1 induced, have active admitting privileges at a hospital that:  
 2-2 (A) is located not further than 30 miles from the  
 2-3 location at which the abortion is performed or induced; and  
 2-4 (B) provides obstetrical or gynecological health  
 2-5 care services; and  
 2-6 (2) shall provide the pregnant woman with:  
 2-7 (A) a telephone number by which the pregnant  
 2-8 woman may reach the physician, or other health care personnel  
 2-9 employed by the physician or by the facility at which the abortion  
 2-10 was performed or induced with access to the woman's relevant  
 2-11 medical records, 24 hours a day to request assistance for any  
 2-12 complications that arise from the performance or induction of the  
 2-13 abortion or ask health-related questions regarding the abortion;  
 2-14 and  
 2-15 (B) the name and telephone number of the nearest  
 2-16 hospital to the home of the pregnant woman at which an emergency  
 2-17 arising from the abortion would be treated.  
 2-18 (b) A physician who violates Subsection (a) commits an  
 2-19 offense. An offense under this section is a Class A misdemeanor  
 2-20 punishable by a fine only, not to exceed \$4,000.  
 2-21 SECTION 3. Chapter 171, Health and Safety Code, is amended  
 2-22 by adding Subchapters C and D to read as follows:  
 2-23 SUBCHAPTER C. ABORTION PROHIBITED AT OR AFTER 20 WEEKS  
 2-24 POST-FERTILIZATION  
 2-25 Sec. 171.041. SHORT TITLE. This subchapter may be cited as  
 2-26 the Preborn Pain Act.  
 2-27 Sec. 171.042. DEFINITIONS. In this subchapter:  
 2-28 (1) "Post-fertilization age" means the age of the  
 2-29 unborn child as calculated from the fusion of a human spermatozoon  
 2-30 with a human ovum.  
 2-31 (2) "Severe fetal abnormality" has the meaning  
 2-32 assigned by Section 285.202.  
 2-33 Sec. 171.043. DETERMINATION OF POST-FERTILIZATION AGE  
 2-34 REQUIRED. Except as otherwise provided by Section 171.046, a  
 2-35 physician may not perform or induce or attempt to perform or induce  
 2-36 an abortion without, prior to the procedure:  
 2-37 (1) making a determination of the probable  
 2-38 post-fertilization age of the unborn child; or  
 2-39 (2) possessing and relying on a determination of the  
 2-40 probable post-fertilization age of the unborn child made by another  
 2-41 physician.  
 2-42 Sec. 171.044. ABORTION OF UNBORN CHILD OF 20 OR MORE WEEKS  
 2-43 POST-FERTILIZATION AGE PROHIBITED. Except as otherwise provided by  
 2-44 Section 171.046, a person may not perform or induce or attempt to  
 2-45 perform or induce an abortion on a woman if it has been determined,  
 2-46 by the physician performing, inducing, or attempting to perform or  
 2-47 induce the abortion or by another physician on whose determination  
 2-48 that physician relies, that the probable post-fertilization age of  
 2-49 the unborn child is 20 or more weeks.  
 2-50 Sec. 171.045. METHOD OF ABORTION. (a) This section  
 2-51 applies only to an abortion authorized under Section 171.046(a)(1)  
 2-52 or (2) in which:  
 2-53 (1) the probable post-fertilization age of the unborn  
 2-54 child is 20 or more weeks; or  
 2-55 (2) the probable post-fertilization age of the unborn  
 2-56 child has not been determined but could reasonably be 20 or more  
 2-57 weeks.  
 2-58 (b) Except as otherwise provided by Section 171.046(a)(3),  
 2-59 a physician performing an abortion under Subsection (a) shall  
 2-60 terminate the pregnancy in the manner that, in the physician's  
 2-61 reasonable medical judgment, provides the best opportunity for the  
 2-62 unborn child to survive.  
 2-63 Sec. 171.046. EXCEPTIONS. (a) The prohibitions and  
 2-64 requirements under Sections 171.043, 171.044, and 171.045(b) do not  
 2-65 apply to an abortion performed if there exists a condition that, in  
 2-66 the physician's reasonable medical judgment, so complicates the  
 2-67 medical condition of the woman that, to avert the woman's death or a  
 2-68 serious risk of substantial and irreversible physical impairment of  
 2-69 a major bodily function, other than a psychological condition, it

3-1 necessitates, as applicable:

3-2 (1) the immediate abortion of her pregnancy without  
 3-3 the delay necessary to determine the probable post-fertilization  
 3-4 age of the unborn child;

3-5 (2) the abortion of her pregnancy even though the  
 3-6 post-fertilization age of the unborn child is 20 or more weeks; or

3-7 (3) the use of a method of abortion other than a method  
 3-8 described by Section 171.045(b).

3-9 (b) A physician may not take an action authorized under  
 3-10 Subsection (a) if the risk of death or a substantial and  
 3-11 irreversible physical impairment of a major bodily function arises  
 3-12 from a claim or diagnosis that the woman will engage in conduct that  
 3-13 may result in her death or in substantial and irreversible physical  
 3-14 impairment of a major bodily function.

3-15 (c) The prohibitions and requirements under Sections  
 3-16 171.043, 171.044, and 171.045(b) do not apply to an abortion  
 3-17 performed on an unborn child who has a severe fetal abnormality.

3-18 Sec. 171.047. PROTECTION OF PRIVACY IN COURT PROCEEDINGS.

3-19 (a) Except as otherwise provided by this section, in a civil or  
 3-20 criminal proceeding or action involving an act prohibited under  
 3-21 this subchapter, the identity of the woman on whom an abortion has  
 3-22 been performed or induced or attempted to be performed or induced is  
 3-23 not subject to public disclosure if the woman does not give consent  
 3-24 to disclosure.

3-25 (b) Unless the court makes a ruling under Subsection (c) to  
 3-26 allow disclosure of the woman's identity, the court shall issue  
 3-27 orders to the parties, witnesses, and counsel and shall direct the  
 3-28 sealing of the record and exclusion of individuals from courtrooms  
 3-29 or hearing rooms to the extent necessary to protect the woman's  
 3-30 identity from public disclosure.

3-31 (c) A court may order the disclosure of information that is  
 3-32 confidential under this section if:

3-33 (1) a motion is filed with the court requesting  
 3-34 release of the information and a hearing on that request;

3-35 (2) notice of the hearing is served on each interested  
 3-36 party; and

3-37 (3) the court determines after the hearing and an in  
 3-38 camera review that disclosure is essential to the administration of  
 3-39 justice and there is no reasonable alternative to disclosure.

3-40 Sec. 171.048. CONSTRUCTION OF SUBCHAPTER. (a) This  
 3-41 subchapter shall be construed, as a matter of state law, to be  
 3-42 enforceable up to but no further than the maximum possible extent  
 3-43 consistent with federal constitutional requirements, even if that  
 3-44 construction is not readily apparent, as such constructions are  
 3-45 authorized only to the extent necessary to save the subchapter from  
 3-46 judicial invalidation. Judicial reformation of statutory language  
 3-47 is explicitly authorized only to the extent necessary to save the  
 3-48 statutory provision from invalidity.

3-49 (b) If any court determines that a provision of this  
 3-50 subchapter is unconstitutionally vague, the court shall interpret  
 3-51 the provision, as a matter of state law, to avoid the vagueness  
 3-52 problem and shall enforce the provision to the maximum possible  
 3-53 extent. If a federal court finds any provision of this subchapter  
 3-54 or its application to any person, group of persons, or  
 3-55 circumstances to be unconstitutionally vague and declines to impose  
 3-56 the saving construction described by this subsection, the Supreme  
 3-57 Court of Texas shall provide an authoritative construction of the  
 3-58 objectionable statutory provisions that avoids the constitutional  
 3-59 problems while enforcing the statute's restrictions to the maximum  
 3-60 possible extent, and shall agree to answer any question certified  
 3-61 from a federal appellate court regarding the statute.

3-62 (c) A state executive or administrative official may not  
 3-63 decline to enforce this subchapter, or adopt a construction of this  
 3-64 subchapter in a way that narrows its applicability, based on the  
 3-65 official's own beliefs about what the state or federal constitution  
 3-66 requires, unless the official is enjoined by a state or federal  
 3-67 court from enforcing this subchapter.

3-68 (d) This subchapter may not be construed to authorize the  
 3-69 prosecution of or a cause of action to be brought against a woman on

4-1 whom an abortion is performed or induced or attempted to be  
4-2 performed or induced in violation of this subchapter.

4-3 SUBCHAPTER D. ABORTION-INDUCING DRUGS

4-4 Sec. 171.061. DEFINITIONS. In this subchapter:

4-5 (1) "Abortion" means the act of using, administering,  
4-6 prescribing, or otherwise providing an instrument, a drug, a  
4-7 medicine, or any other substance, device, or means with the intent  
4-8 to terminate a clinically diagnosable pregnancy of a woman and with  
4-9 knowledge that the termination by those means will, with reasonable  
4-10 likelihood, cause the death of the woman's unborn child. An act is  
4-11 not an abortion if the act is done with the intent to:

4-12 (A) save the life or preserve the health of an  
4-13 unborn child;

4-14 (B) remove a dead, unborn child whose death was  
4-15 caused by spontaneous abortion;

4-16 (C) remove an ectopic pregnancy; or

4-17 (D) treat a maternal disease or illness for which  
4-18 a prescribed drug, medicine, or other substance is indicated.

4-19 (2) "Abortion-inducing drug" means a drug, a medicine,  
4-20 or any other substance, including a regimen of two or more drugs,  
4-21 medicines, or substances, prescribed, dispensed, or administered  
4-22 with the intent of terminating a clinically diagnosable pregnancy  
4-23 of a woman and with knowledge that the termination will, with  
4-24 reasonable likelihood, cause the death of the woman's unborn child.  
4-25 The term includes off-label use of drugs, medicines, or other  
4-26 substances known to have abortion-inducing properties that are  
4-27 prescribed, dispensed, or administered with the intent of causing  
4-28 an abortion, including the Mifeprex regimen. The term does not  
4-29 include a drug, medicine, or other substance that may be known to  
4-30 cause an abortion but is prescribed, dispensed, or administered for  
4-31 other medical reasons.

4-32 (3) "Final printed label" or "FPL" means the  
4-33 informational document approved by the United States Food and Drug  
4-34 Administration for an abortion-inducing drug that:

4-35 (A) outlines the protocol authorized by that  
4-36 agency and agreed to by the drug company applying for authorization  
4-37 of the drug by that agency; and

4-38 (B) delineates how a drug is to be used according  
4-39 to approval by that agency.

4-40 (4) "Gestational age" means the amount of time that  
4-41 has elapsed since the first day of a woman's last menstrual period.

4-42 (5) "Medical abortion" means the administration or use  
4-43 of an abortion-inducing drug to induce an abortion.

4-44 (6) "Mifeprex regimen," "RU-486 regimen," or "RU-486"  
4-45 means the abortion-inducing drug regimen approved by the United  
4-46 States Food and Drug Administration that consists of administering  
4-47 mifepristone and misoprostol.

4-48 (7) "Physician" means an individual who is licensed to  
4-49 practice medicine in this state, including a medical doctor and a  
4-50 doctor of osteopathic medicine.

4-51 (8) "Pregnant" means the female reproductive  
4-52 condition of having an unborn child in a woman's uterus.

4-53 (9) "Unborn child" means an offspring of human beings  
4-54 from conception until birth.

4-55 Sec. 171.062. ENFORCEMENT BY TEXAS MEDICAL BOARD.  
4-56 Notwithstanding Section 171.005, the Texas Medical Board shall  
4-57 enforce this subchapter.

4-58 Sec. 171.063. DISTRIBUTION OF ABORTION-INDUCING DRUG.

4-59 (a) A person may not knowingly give, sell, dispense, administer,  
4-60 provide, or prescribe an abortion-inducing drug to a pregnant woman  
4-61 for the purpose of inducing an abortion in the pregnant woman or  
4-62 enabling another person to induce an abortion in the pregnant woman  
4-63 unless:

4-64 (1) the person who gives, sells, dispenses,  
4-65 administers, provides, or prescribes the abortion-inducing drug is  
4-66 a physician; and

4-67 (2) except as otherwise provided by Subsection (b),  
4-68 the provision, prescription, or administration of the  
4-69 abortion-inducing drug satisfies the protocol tested and

5-1 authorized by the United States Food and Drug Administration as  
 5-2 outlined in the final printed label of the abortion-inducing drug.

5-3 (b) A person may provide, prescribe, or administer the  
 5-4 abortion-inducing drug in the dosage amount prescribed by the  
 5-5 clinical management guidelines defined by the American Congress of  
 5-6 Obstetricians and Gynecologists Practice Bulletin as those  
 5-7 guidelines existed on January 1, 2013.

5-8 (c) Before the physician gives, sells, dispenses,  
 5-9 administers, provides, or prescribes an abortion-inducing drug,  
 5-10 the physician must examine the pregnant woman and document, in the  
 5-11 woman's medical record, the gestational age and intrauterine  
 5-12 location of the pregnancy.

5-13 (d) The physician who gives, sells, dispenses, administers,  
 5-14 provides, or prescribes an abortion-inducing drug shall provide the  
 5-15 pregnant woman with:

5-16 (1) a copy of the final printed label of that  
 5-17 abortion-inducing drug; and

5-18 (2) a telephone number by which the pregnant woman may  
 5-19 reach the physician, or other health care personnel employed by the  
 5-20 physician or by the facility at which the abortion was performed  
 5-21 with access to the woman's relevant medical records, 24 hours a day  
 5-22 to request assistance for any complications that arise from the  
 5-23 administration or use of the drug or ask health-related questions  
 5-24 regarding the administration or use of the drug.

5-25 (e) The physician who gives, sells, dispenses, administers,  
 5-26 provides, or prescribes the abortion-inducing drug, or the  
 5-27 physician's agent, must schedule a follow-up visit for the woman to  
 5-28 occur not more than 14 days after the administration or use of the  
 5-29 drug. At the follow-up visit, the physician must:

5-30 (1) confirm that the pregnancy is completely  
 5-31 terminated; and

5-32 (2) assess the degree of bleeding.

5-33 (f) The physician who gives, sells, dispenses, administers,  
 5-34 provides, or prescribes the abortion-inducing drug, or the  
 5-35 physician's agent, shall make a reasonable effort to ensure that  
 5-36 the woman returns for the scheduled follow-up visit under  
 5-37 Subsection (e). The physician or the physician's agent shall  
 5-38 document a brief description of any effort made to comply with this  
 5-39 subsection, including the date, time, and name of the person making  
 5-40 the effort, in the woman's medical record.

5-41 (g) If a physician gives, sells, dispenses, administers,  
 5-42 provides, or prescribes an abortion-inducing drug to a pregnant  
 5-43 woman for the purpose of inducing an abortion as authorized by this  
 5-44 section and the physician knows that the woman experiences a  
 5-45 serious adverse event, as defined by the MedWatch Reporting System,  
 5-46 during or after the administration or use of the drug, the physician  
 5-47 shall report the event to the United States Food and Drug  
 5-48 Administration through the MedWatch Reporting System not later than  
 5-49 the third day after the date the physician learns that the event  
 5-50 occurred.

5-51 Sec. 171.064. ADMINISTRATIVE PENALTY. (a) The Texas  
 5-52 Medical Board may take disciplinary action under Chapter 164,  
 5-53 Occupations Code, or assess an administrative penalty under  
 5-54 Subchapter A, Chapter 165, Occupations Code, against a person who  
 5-55 violates Section 171.063.

5-56 (b) A penalty may not be assessed under this section against  
 5-57 a pregnant woman who receives a medical abortion.

5-58 SECTION 4. Section 245.010(a), Health and Safety Code, is  
 5-59 amended to read as follows:

5-60 (a) The rules must contain minimum standards to protect the  
 5-61 health and safety of a patient of an abortion facility and must  
 5-62 contain provisions requiring compliance with the requirements of  
 5-63 Subchapter B, Chapter 171. On and after September 1, 2014, the  
 5-64 minimum standards for an abortion facility must be equivalent to  
 5-65 the minimum standards adopted under Section 243.010 for ambulatory  
 5-66 surgical centers.

5-67 SECTION 5. Section 245.011(c), Health and Safety Code, is  
 5-68 amended to read as follows:

5-69 (c) The report must include:

- 6-1 (1) whether the abortion facility at which the
- 6-2 abortion is performed is licensed under this chapter;
- 6-3 (2) the patient's year of birth, race, marital status,
- 6-4 and state and county of residence;
- 6-5 (3) the type of abortion procedure;
- 6-6 (4) the date the abortion was performed;
- 6-7 (5) whether the patient survived the abortion, and if
- 6-8 the patient did not survive, the cause of death;
- 6-9 (6) the probable post-fertilization age of the unborn
- 6-10 child [~~period of gestation~~] based on the best medical judgment of
- 6-11 the attending physician at the time of the procedure;
- 6-12 (7) the date, if known, of the patient's last menstrual
- 6-13 cycle;
- 6-14 (8) the number of previous live births of the patient;
- 6-15 and
- 6-16 (9) the number of previous induced abortions of the
- 6-17 patient.

6-18 SECTION 6. Section 164.052(a), Occupations Code, is amended  
6-19 to read as follows:

6-20 (a) A physician or an applicant for a license to practice  
6-21 medicine commits a prohibited practice if that person:

- 6-22 (1) submits to the board a false or misleading
- 6-23 statement, document, or certificate in an application for a
- 6-24 license;
- 6-25 (2) presents to the board a license, certificate, or
- 6-26 diploma that was illegally or fraudulently obtained;
- 6-27 (3) commits fraud or deception in taking or passing an
- 6-28 examination;
- 6-29 (4) uses alcohol or drugs in an intemperate manner
- 6-30 that, in the board's opinion, could endanger a patient's life;
- 6-31 (5) commits unprofessional or dishonorable conduct
- 6-32 that is likely to deceive or defraud the public, as provided by
- 6-33 Section 164.053, or injure the public;
- 6-34 (6) uses an advertising statement that is false,
- 6-35 misleading, or deceptive;
- 6-36 (7) advertises professional superiority or the
- 6-37 performance of professional service in a superior manner if that
- 6-38 advertising is not readily subject to verification;
- 6-39 (8) purchases, sells, barter, or uses, or offers to
- 6-40 purchase, sell, barter, or use, a medical degree, license,
- 6-41 certificate, or diploma, or a transcript of a license, certificate,
- 6-42 or diploma in or incident to an application to the board for a
- 6-43 license to practice medicine;
- 6-44 (9) alters, with fraudulent intent, a medical license,
- 6-45 certificate, or diploma, or a transcript of a medical license,
- 6-46 certificate, or diploma;
- 6-47 (10) uses a medical license, certificate, or diploma,
- 6-48 or a transcript of a medical license, certificate, or diploma that
- 6-49 has been:

- 6-50 (A) fraudulently purchased or issued;
- 6-51 (B) counterfeited; or
- 6-52 (C) materially altered;

6-53 (11) impersonates or acts as proxy for another person  
6-54 in an examination required by this subtitle for a medical license;

6-55 (12) engages in conduct that subverts or attempts to  
6-56 subvert an examination process required by this subtitle for a  
6-57 medical license;

6-58 (13) impersonates a physician or permits another to  
6-59 use the person's license or certificate to practice medicine in  
6-60 this state;

6-61 (14) directly or indirectly employs a person whose  
6-62 license to practice medicine has been suspended, canceled, or  
6-63 revoked;

6-64 (15) associates in the practice of medicine with a  
6-65 person:

6-66 (A) whose license to practice medicine has been  
6-67 suspended, canceled, or revoked; or

6-68 (B) who has been convicted of the unlawful  
6-69 practice of medicine in this state or elsewhere;

7-1 (16) performs or procures a criminal abortion, aids or  
 7-2 abets in the procuring of a criminal abortion, attempts to perform  
 7-3 or procure a criminal abortion, or attempts to aid or abet the  
 7-4 performance or procurement of a criminal abortion;

7-5 (17) directly or indirectly aids or abets the practice  
 7-6 of medicine by a person, partnership, association, or corporation  
 7-7 that is not licensed to practice medicine by the board;

7-8 (18) performs an abortion on a woman who is pregnant  
 7-9 with a viable unborn child during the third trimester of the  
 7-10 pregnancy unless:

7-11 (A) the abortion is necessary to prevent the  
 7-12 death of the woman;

7-13 (B) the viable unborn child has a severe,  
 7-14 irreversible brain impairment; or

7-15 (C) the woman is diagnosed with a significant  
 7-16 likelihood of suffering imminent severe, irreversible brain damage  
 7-17 or imminent severe, irreversible paralysis; [~~or~~]

7-18 (19) performs an abortion on an unemancipated minor  
 7-19 without the written consent of the child's parent, managing  
 7-20 conservator, or legal guardian or without a court order, as  
 7-21 provided by Section 33.003 or 33.004, Family Code, authorizing the  
 7-22 minor to consent to the abortion, unless the physician concludes  
 7-23 that on the basis of the physician's good faith clinical judgment, a  
 7-24 condition exists that complicates the medical condition of the  
 7-25 pregnant minor and necessitates the immediate abortion of her  
 7-26 pregnancy to avert her death or to avoid a serious risk of  
 7-27 substantial impairment of a major bodily function and that there is  
 7-28 insufficient time to obtain the consent of the child's parent,  
 7-29 managing conservator, or legal guardian; or

7-30 (20) performs or induces or attempts to perform or  
 7-31 induce an abortion in violation of Subchapter C, Chapter 171,  
 7-32 Health and Safety Code.

7-33 SECTION 7. Section 164.055(b), Occupations Code, is amended  
 7-34 to read as follows:

7-35 (b) The sanctions provided by Subsection (a) are in addition  
 7-36 to any other grounds for refusal to admit persons to examination  
 7-37 under this subtitle or to issue a license or renew a license to  
 7-38 practice medicine under this subtitle. The criminal penalties  
 7-39 provided by Section 165.152 do not apply to a violation of Section  
 7-40 170.002 or Subchapter C, Chapter 171, Health and Safety Code.

7-41 SECTION 8. Effective September 1, 2014, Section 245.010(c),  
 7-42 Health and Safety Code, is repealed.

7-43 SECTION 9. This Act may not be construed to repeal, by  
 7-44 implication or otherwise, Section 164.052(a)(18), Occupations  
 7-45 Code, Section 170.002, Health and Safety Code, or any other  
 7-46 provision of Texas law regulating or restricting abortion not  
 7-47 specifically addressed by this Act. An abortion that complies with  
 7-48 this Act but violates any other law is unlawful. An abortion that  
 7-49 complies with another state law but violates this Act is unlawful as  
 7-50 provided in this Act.

7-51 SECTION 10. (a) If some or all of the provisions of this  
 7-52 Act are ever temporarily or permanently restrained or enjoined by  
 7-53 judicial order, all other provisions of Texas law regulating or  
 7-54 restricting abortion shall be enforced as though the restrained or  
 7-55 enjoined provisions had not been adopted; provided, however, that  
 7-56 whenever the temporary or permanent restraining order or injunction  
 7-57 is stayed or dissolved, or otherwise ceases to have effect, the  
 7-58 provisions shall have full force and effect.

7-59 (b) Mindful of Leavitt v. Jane L., 518 U.S. 137 (1996), in  
 7-60 which in the context of determining the severability of a state  
 7-61 statute regulating abortion the United States Supreme Court held  
 7-62 that an explicit statement of legislative intent is controlling, it  
 7-63 is the intent of the legislature that every provision, section,  
 7-64 subsection, sentence, clause, phrase, or word in this Act, and  
 7-65 every application of the provisions in this Act, are severable from  
 7-66 each other. If any application of any provision in this Act to any  
 7-67 person, group of persons, or circumstances is found by a court to be  
 7-68 invalid, the remaining applications of that provision to all other  
 7-69 persons and circumstances shall be severed and may not be affected.

8-1 All constitutionally valid applications of this Act shall be  
8-2 severed from any applications that a court finds to be invalid,  
8-3 leaving the valid applications in force, because it is the  
8-4 legislature's intent and priority that the valid applications be  
8-5 allowed to stand alone. Even if a reviewing court finds a provision  
8-6 of this Act to impose an undue burden in a large or substantial  
8-7 fraction of relevant cases, the applications that do not present an  
8-8 undue burden shall be severed from the remaining provisions and  
8-9 shall remain in force, and shall be treated as if the legislature  
8-10 had enacted a statute limited to the persons, group of persons, or  
8-11 circumstances for which the statute's application does not present  
8-12 an undue burden. The legislature further declares that it would  
8-13 have passed this Act, and each provision, section, subsection,  
8-14 sentence, clause, phrase, or word, and all constitutional  
8-15 applications of this Act, irrespective of the fact that any  
8-16 provision, section, subsection, sentence, clause, phrase, or word,  
8-17 or applications of this Act, were to be declared unconstitutional  
8-18 or to represent an undue burden.

8-19 (c) If Subchapter C, Chapter 171, Health and Safety Code, as  
8-20 added by this Act, prohibiting abortions performed on an unborn  
8-21 child 20 or more weeks after fertilization is found by any court to  
8-22 be invalid or to impose an undue burden as applied to any person,  
8-23 group of persons, or circumstances, the prohibition shall apply to  
8-24 that person or group of persons or circumstances on the earliest  
8-25 date on which the subchapter can be constitutionally applied.

8-26 (d) If any provision of this Act is found by any court to be  
8-27 unconstitutionally vague, then the applications of that provision  
8-28 that do not present constitutional vagueness problems shall be  
8-29 severed and remain in force.

8-30 SECTION 11. (a) The executive commissioner of the Health  
8-31 and Human Services Commission shall adopt the standards required by  
8-32 Section 245.010, Health and Safety Code, as amended by this Act, not  
8-33 later than January 1, 2014.

8-34 (b) A facility licensed under Chapter 245, Health and Safety  
8-35 Code, is not required to comply with the standards adopted under  
8-36 Section 245.010, Health and Safety Code, as amended by this Act,  
8-37 before September 1, 2014.

8-38 SECTION 12. This Act takes effect immediately if it  
8-39 receives a vote of two-thirds of all the members elected to each  
8-40 house, as provided by Section 39, Article III, Texas Constitution.  
8-41 If this Act does not receive the vote necessary for immediate  
8-42 effect, this Act takes effect on the 91st day after the last day of  
8-43 the legislative session.

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