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

(2) "Final printed label" or "FPL" means the
informational document approved by the United States Food and Drug
Administration for an abortion-inducing drug that:
(A) outlines the protocol authorized by that agency and agreed to by the drug company applying for authorization of the drug by that agency; and

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

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

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

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

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

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

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

Sec. 171.0511. APPLICABILITY TO MEDICAL ABORTION. This subchapter does not apply to an abortion done with the intent to:

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

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

(3) remove an ectopic pregnancy; or
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(4) treat a maternal disease or illness for which a
prescribed drug, medicine, or other substance is indicated.

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

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

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

(2) the physician administering the abortion-inducing
drug administers the drug to the woman while both are present at an
abortion facility licensed under Chapter 245; and

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

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

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

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

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

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

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

(2) assess the degree of bleeding.

(e) The physician who gives, sells, dispenses, administers, provides, or prescribes the abortion-inducing drug, or the physician's agent, shall make a reasonable effort to ensure that the woman returns for the scheduled follow-up visit under Subsection (d). The physician or the physician's agent shall document a brief description of any effort made to comply with this subsection, including the date, time, and name of the person making the effort, in the woman's medical record.
If a physician gives, sells, dispenses, administers, provides, or prescribes an abortion-inducing drug to a pregnant woman for the purpose of inducing an abortion as authorized by this section and the physician knows that the woman experiences a serious adverse event, as defined by the MedWatch Reporting System, during or after the administration or use of the drug, the physician shall report the event to the United States Food and Drug Administration through the MedWatch Reporting System not later than the third day after the date the physician learns that the event occurred.

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

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

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect on the 91st day after the last day of the legislative session.