

By: Rodriguez, et al.

S.B. No. 33

A BILL TO BE ENTITLED

1 AN ACT

2 relating to certain information provided in connection with  
3 voluntary and informed consent to abortion.

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

5 SECTION 1. Section 171.012(a), Health and Safety Code, is  
6 amended to read as follows:

7 (a) Consent to an abortion is voluntary and informed only  
8 if:

9 (1) the physician who is to perform the abortion  
10 informs the pregnant woman on whom the abortion is to be performed  
11 of:

12 (A) the physician's name;

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

16 (i) the risks of infection and hemorrhage;

17 and

18 (ii) the potential danger to a subsequent  
19 pregnancy and of infertility; ~~and~~

20 ~~[(iii) the possibility of increased risk of~~  
21 ~~breast cancer following an induced abortion and the natural~~  
22 ~~protective effect of a completed pregnancy in avoiding breast~~  
23 ~~cancer,]~~

24 (C) the probable gestational age of the unborn

1 child at the time the abortion is to be performed; and

2 (D) the medical risks associated with carrying  
3 the child to term;

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

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

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

11 (C) public and private agencies provide  
12 pregnancy prevention counseling and medical referrals for  
13 obtaining pregnancy prevention medications or devices, including  
14 emergency contraception for victims of rape or incest;

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

17 (A) provides the pregnant woman with the  
18 printed materials described by Section 171.014; and

19 (B) informs the pregnant woman that those  
20 materials:

21 (i) have been provided by the Department of  
22 State Health Services;

23 (ii) are accessible on an Internet website  
24 sponsored by the department;

25 (iii) describe the unborn child and list  
26 agencies that offer alternatives to abortion; and

27 (iv) include a list of agencies that offer

1 sonogram services at no cost to the pregnant woman;

2 (4) before any sedative or anesthesia is administered  
3 to the pregnant woman and at least 24 hours before the abortion or  
4 at least two hours before the abortion if the pregnant woman waives  
5 this requirement by certifying that she currently lives 100 miles  
6 or more from the nearest abortion provider that is a facility  
7 licensed under Chapter 245 or a facility that performs more than 50  
8 abortions in any 12-month period:

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

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

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

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

1 explanation of the heart auscultation;

2 (5) before receiving a sonogram under Subdivision  
3 (4)(A) and before the abortion is performed and before any sedative  
4 or anesthesia is administered, the pregnant woman completes and  
5 certifies with her signature an election form that states as  
6 follows:

7 "ABORTION AND SONOGRAM ELECTION

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

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

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

16 (4) I UNDERSTAND THAT I HAVE THE OPTION TO  
17 VIEW THE SONOGRAM IMAGES.

18 (5) I UNDERSTAND THAT I HAVE THE OPTION TO  
19 HEAR THE HEARTBEAT.

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

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

1 OF RETALIATION RESULTING IN SERIOUS BODILY INJURY.

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

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

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

11 (8) FOR A WOMAN WHO LIVES 100 MILES OR MORE  
12 FROM THE NEAREST ABORTION PROVIDER THAT IS A FACILITY  
13 LICENSED UNDER CHAPTER 245 OR A FACILITY THAT PERFORMS  
14 MORE THAN 50 ABORTIONS IN ANY 12-MONTH PERIOD ONLY:

15 I CERTIFY THAT, BECAUSE I CURRENTLY LIVE 100  
16 MILES OR MORE FROM THE NEAREST ABORTION PROVIDER THAT  
17 IS A FACILITY LICENSED UNDER CHAPTER 245 OR A FACILITY  
18 THAT PERFORMS MORE THAN 50 ABORTIONS IN ANY 12-MONTH  
19 PERIOD, I WAIVE THE REQUIREMENT TO WAIT 24 HOURS AFTER  
20 THE SONOGRAM IS PERFORMED BEFORE RECEIVING THE  
21 ABORTION PROCEDURE. MY PLACE OF RESIDENCE  
22 IS:\_\_\_\_\_.

23 \_\_\_\_\_  
24 SIGNATURE DATE";

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

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

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