

By: Rodriguez, et al.

S.B. No. 35

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of limited service pregnancy centers;  
providing penalties.

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

SECTION 1. Subtitle H, Title 2, Health and Safety Code, is amended by adding Chapter 172 to read as follows:

CHAPTER 172. LIMITED SERVICE PREGNANCY CENTERS

Sec. 172.001. DEFINITIONS. In this chapter:

(1) "Comprehensive birth control services" means all drugs and medical devices that have been approved by the United States Food and Drug Administration for birth control.

(2) "Licensed health care practitioner" means an individual who is licensed or certified by or registered in this state to provide health care services.

(3) "Limited service pregnancy center" means an organization, including a pregnancy counseling organization or crisis pregnancy center, that for a fee or free of charge provides pregnancy counseling or information but does not perform abortions or make referrals to an abortion provider, does not provide or make referrals for comprehensive birth control services, and is not licensed or certified by this state or the federal government to provide medical or health care services. The term does not include a licensed health care provider, hospital, or family planning clinic that performs abortions or provides contraception or provides

1 abortion or contraception referrals.

2 (4) "Pregnancy-related medical service" means a  
3 medical service provided to a pregnant woman by a health care  
4 provider licensed in this state.

5 Sec. 172.002. REQUIREMENTS FOR MATERIALS PROVIDED. All  
6 materials and information provided to a pregnant woman by a limited  
7 service pregnancy center must be scientifically accurate and  
8 evidence-based, as determined by a medical organization or  
9 physician group.

10 Sec. 172.003. NON-DIRECTIVE COUNSELING AND INFORMATION  
11 REQUIRED. A limited service pregnancy center that receives state  
12 money shall provide to each client comprehensive, non-directive  
13 reproductive health care counseling and information, including  
14 information on planning, birth control, pregnancy, and post-partum  
15 health.

16 Sec. 172.004. POSTED NOTICE REQUIRED. (a) A limited  
17 service pregnancy center shall prominently display, at the entrance  
18 of the center, two black and white signs, one in English and one in  
19 Spanish, that contain the following statement: "This center is not  
20 a licensed medical facility."

21 (b) Each sign required under Subsection (a) must be at least  
22 8-1/2 by 11 inches in size and clearly legible from outside the  
23 center. The text for the sign must be in at least 48-point font  
24 size.

25 Sec. 172.005. CIVIL AND CRIMINAL PENALTIES. (a) A person  
26 commits an offense if the person violates Section 172.002 or  
27 172.003. An offense under this subsection is a Class A misdemeanor.

1        (b) In addition to being subject to a criminal penalty, a  
2 person who intentionally violates Section 172.002 or 172.003 is  
3 liable for a civil penalty in an amount not to exceed \$10,000 for  
4 each violation. The amount shall be based on:

5            (1) the seriousness of the violation;

6            (2) the history of previous violations;

7            (3) the amount necessary to deter a future violation;

8 and

9            (4) any other matter that justice may require.

10        (c) The attorney general or a district or county attorney of  
11 the county in which the violation is alleged to have occurred may  
12 sue to collect a civil penalty under this section. In the suit the  
13 attorney general or a district or county attorney may recover  
14 reasonable expenses incurred in obtaining the penalty, including  
15 investigation and court costs and reasonable attorney's fees.

16        (d) A separate civil penalty may be collected for each day a  
17 continuing violation occurs.

18        (e) The penalties provided by this section are in addition  
19 to any other penalty provided by law, including Chapter 17,  
20 Business & Commerce Code, and Chapter 165, Occupations Code.

21        Sec. 172.006. APPLICATION OF DECEPTIVE TRADE PRACTICES ACT.

22        (a) A person who violates Section 172.004 commits a false,  
23 misleading, or deceptive act or practice within the meaning of  
24 Section 17.46, Business & Commerce Code.

25        (b) A public or private right or remedy under Chapter 17,  
26 Business & Commerce Code, may be used to enforce Section 172.004.

27        SECTION 2. This Act takes effect on the 91st day after the

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1 last day of the legislative session.