

By: Schaefer

H.B. No. 2309

A BILL TO BE ENTITLED

AN ACT

relating to reporting requirements for abortions performed at an abortion facility.

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

SECTION 1. Chapter 245.011, Health and Safety Code, is amended to read as follows:

Sec. 245.011. REPORTING REQUIREMENTS; ADMINISTRATIVE AND CRIMINAL PENALTY. (a) Each abortion facility must submit a ~~annual~~ monthly report to the department on each abortion that is performed at the abortion facility. The report must be submitted on a form provided by the department. The monthly report is due on the 15th day of the following month.

(b) The report may not identify by any means the physician performing the abortion or the patient.

(c) The report must include:

(1) whether the abortion facility at which the abortion is performed is licensed under this chapter;

(2) the patient's year of birth, race, marital status, and state and county of residence;

(3) the type of abortion procedure;

(4) the date the abortion was performed;

(5) whether the patient survived the abortion, and if the patient did not survive, the cause of death;

(6) the period of gestation based on the best medical

1 judgment of the attending physician at the time of the procedure;

2 (7) the date, if known, of the patient's last menstrual
3 cycle;

4 (8) the number of previous live births of the patient;
5 and

6 (9) the number of previous induced abortions of the
7 patient.

8 (d) Except as provided by Section 245.023, all information
9 and records held by the department under this chapter are
10 confidential and are not open records for the purposes of Chapter
11 552, Government Code. That information may not be released or made
12 public on subpoena or otherwise, except that release may be made:

13 (1) for statistical purposes, but only if a person,
14 patient, or abortion facility is not identified;

15 (2) with the consent of each person, patient, and
16 abortion facility identified in the information released;

17 (3) to medical personnel, appropriate state agencies,
18 or county and district courts to enforce this chapter; or

19 (4) to appropriate state licensing boards to enforce
20 state licensing laws.

21 (e) A person commits an offense if the person violates this
22 section. An offense under this subsection is a Class A misdemeanor.

23 (f) The commissioner of state health services may assess an
24 administrative penalty against a facility who fails to submit the
25 report required by Section 245.011 in the time specified under that
26 section. The amount of the penalty is \$1,000 for the first 30-day
27 period or portion of a 30-day period the report remains overdue,

1 \$2,500 for the second 30-day period, and \$5,000 for each 30-day
2 period thereafter.

3 (g) The commissioner of state health services shall revoke
4 the license of a facility that fails to file the report required by
5 Section 245.011 six months after the date the report was due.

6 SECTION 2. This Act takes effect September 1, 2013.