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

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

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

(C) remove an ectopic pregnancy; or

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

(2) "Abortion-inducing drug" means a drug, a medicine, or any other substance 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 misoprostol and methotrexate. 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.

(3) "Drug label" means a pamphlet accompanying an
abortion-inducing drug that:

(A) outlines the protocol tested and authorized
by the United States Food and Drug Administration 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.

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

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

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

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; and

(2) 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 drug 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 a copy of the drug label of that abortion-inducing drug.
(d) The physician who gives, sells, dispenses, administers, provides, or prescribes an abortion-inducing drug must:

(1) execute a contract signed by the physician and by another physician who, by the terms of the contract, agrees to treat emergencies arising from the administration or use of the drug; and

(2) produce the signed contract described by Subdivision (1) on demand by the pregnant woman or the Texas Medical Board.

(e) The physician who gives, sells, dispenses, administers, provides, or prescribes the abortion-inducing drug shall provide the pregnant woman with the name and phone number of:

(1) the physician who has signed a contract under Subsection (d)(1) to treat an emergency arising from the administration or use of the drug; and

(2) the hospital at which an emergency arising from the administration or use of the drug would be treated.

(f) A physician who contracts to treat an emergency arising from the administration or use of an abortion-inducing drug under Subsection (d)(1) must have active admitting, gynecological, and surgical privileges at the hospital designated to treat the emergency.

(g) 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.

(h) 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 (g). 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.

(i) 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 September 1, 2013.