

BILL ANALYSIS

C.S.H.B. 3446
By: Laubenberg
State Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Human trafficking, child pornography, and international sex tourism reportedly generate billions of dollars a year worldwide and there are indications that a significant number of U.S. citizens and foreign nationals are trafficked within the borders of the United States. Texas law already requires certain places of business to post signs that are visible to employees and patrons that provide a toll-free phone number for a national human trafficking helpline. It has been noted, however, that there is no law requiring these postings at an abortion facility despite the fact that many of the women who undergo abortions may be victims of human trafficking, especially sex trafficking. Due to the potentially high number of trafficking victims who undergo abortion procedures, abortion facility employees are uniquely situated to identify and assist victims of sex trafficking. C.S.H.B. 3446 seeks to require signs relating to human trafficking to be displayed at certain abortion facilities.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 3446 amends the Health and Safety Code to require a licensed ambulatory surgical center that performs more than 50 abortions in any 12-month period or a licensed abortion facility to conspicuously display in each patient admission area, waiting room, restroom, and patient consulting room signs that contain a phone number for the Department of Public Safety and a toll-free phone number of a nationally recognized information and referral hotline for victims of human trafficking, as well as the following information: a woman cannot be forced to have an abortion against her will, regardless of her age; if a woman is being forced to have an abortion or being abused, the state is able to help the woman; and human trafficking, including sex trafficking, is a violation of state law. The bill prohibits the signs from containing any information other than that information and prescribes the required sign measurements. The bill requires an applicable center or facility to post a sign in English and a sign in Spanish, as well as any other language in which the political subdivision within which the facility is located is required under the Election Code to provide election materials, if applicable. The bill requires the executive commissioner of the Health and Human Services Commission, not later than December 1, 2015, to adopt rules as necessary to implement and enforce the bill's provisions and establishes that an ambulatory surgical center or abortion facility is not required to comply with the bill's provisions before January 1, 2016.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3446 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subchapter B, Chapter 171, Health and Safety Code, is amended by adding Sections 171.0125 and 171.0126 to read as follows:

Sec. 171.0125. REQUIRED SIGNS AT CERTAIN FACILITIES: AVAILABLE RESOURCES. (a) An ambulatory surgical center licensed under Chapter 243 that performs more than 50 abortions in any 12-month period or an abortion facility licensed under Chapter 245 shall conspicuously display a sign that satisfies the requirements of this section in each patient admission area, waiting room, and patient consulting room.

(b) The sign required by this section must be in English and Spanish and display the following text:

You can't be forced. No one can make you have an abortion against your will, even if you are a minor. In fact, forcing a minor to have an abortion is considered child abuse. If you are a minor being forced into making a particular decision, you can report it by calling the Texas Abuse Hotline at 1-800-252-5400. The call is free and the hotline operates 24 hours per day, 365 days per year. You and the father. The father of your child must provide support for the child, even if he has offered to pay for an abortion. The Child Support Division of the Office of the Attorney General can help you locate your child's father and determine that he is the father. The Child Support Division can also help establish and enforce child support orders and collect money owed, as well as distribute child support payments. To learn more about child support services, call the Child Support Division at (512) 460-6000.

You and adoption. The law allows adoptive parents to pay costs of prenatal care, childbirth, and newborn care. To learn more about adoption services and the

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter B, Chapter 171, Health and Safety Code, is amended by adding Section 171.0125 to read as follows:

Sec. 171.0125. REQUIRED SIGNS AT CERTAIN FACILITIES: AVAILABLE RESOURCES. (a) An ambulatory surgical center licensed under Chapter 243 that performs more than 50 abortions in any 12-month period or an abortion facility licensed under Chapter 245 shall conspicuously display signs that satisfy the requirements of this section in each patient admission area, waiting room, restroom, and patient consulting room.

(b) The signs required by this section must contain the following information:

(1) a woman cannot be forced to have an abortion against her will, regardless of her age;

(2) if a woman is being forced to have an abortion or being abused, the state is able to help the woman; and

(3) human trafficking, including sex trafficking, is a violation of state law.

organizations available to assist you, call Woman's Right to Know at (512) 776-6917. You are not alone. Many agencies are willing to help you carry your child to term and to assist you after your child's birth. This includes providing access to health care services for mother and baby, supplies, healthy food items, nutrition education, and in-home support.

(See subsection (b) above.)

(c) The executive commissioner of the Health and Human Services Commission shall adopt rules as necessary to implement and enforce this section.

Sec. 171.0126. REQUIRED SIGNS AT CERTAIN FACILITIES: HUMAN TRAFFICKING. (a) An ambulatory surgical center licensed under Chapter 243 that performs more than 50 abortions in any 12-month period or an abortion facility licensed under Chapter 245 shall conspicuously display a sign that satisfies the requirements of this section in each patient admission area, waiting room, and patient consulting room.

(b) The sign required by this section must be in English and Spanish and display the following text:

WARNING: Being forced to engage in sexual activity or forced to obtain an abortion is illegal under Texas law. Call the national human trafficking hotline: 1-888-373-7888.

(c) The signs required by this section must also contain a phone number for the Department of Public Safety and a toll-free phone number of a nationally recognized information and referral hotline for victims of human trafficking.

(d) The signs required by this section may not contain any information other than the information described by Subsections (b) and (c).

(e) The signs required by this section must each be at least 11 inches in width and 17 inches in length.

(f) A facility described by Subsection (a) shall post a sign required by this section in English and a sign in Spanish. If the facility is located in a political subdivision that is required to provide election materials in a language other than English or Spanish under Section 272.011, Election Code, the facility shall also post a sign in that language.

(g) The executive commissioner shall adopt rules as necessary to implement and enforce this section.

(c) The executive commissioner of the Health and Human Services Commission shall adopt rules as necessary to implement and enforce this section.

SECTION 2. Not later than December 1, 2015, the executive commissioner of the Health and Human Services Commission shall adopt the rules necessary to implement Sections 171.0125 and 171.0126, Health and Safety Code, as added by this Act.

SECTION 3. An ambulatory surgical center or abortion facility is not required to comply with Sections 171.0125 and 171.0126, Health and Safety Code, as added by this Act, before January 1, 2016.

SECTION 4. This Act takes effect September 1, 2015.

SECTION 2. Not later than December 1, 2015, the executive commissioner of the Health and Human Services Commission shall adopt the rules necessary to implement Section 171.0125, Health and Safety Code, as added by this Act.

SECTION 3. An ambulatory surgical center or abortion facility is not required to comply with Section 171.0125, Health and Safety Code, as added by this Act, before January 1, 2016.

SECTION 4. Same as introduced version.