A BILL TO BE ENTITLED

AN ACT

relating to the waiting period before a physician may perform an
abortion.

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

SECTION 1. Sections 171.012(a) and (b), Health and Safety
Code, are amended to read as follows:

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

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

(A) the physician's name;

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

(i) the risks of infection and hemorrhage;

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

(iii) the possibility of increased risk of
breast cancer following an induced abortion and the natural
protective effect of a completed pregnancy in avoiding breast
cancer;

(C) the probable gestational age of the unborn
child at the time the abortion is to be performed; and
(D) the medical risks associated with carrying
the child to term;

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

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

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

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

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

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

(B) informs the pregnant woman that those
materials:

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

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

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

(iv) include a list of agencies that offer
sonogram services at no cost to the pregnant woman;
(4) before any sedative or anesthesia is administered
to the pregnant woman and [at least 24 hours] before the abortion is
performed [or at least two hours before the abortion if the pregnant
woman waives this requirement by certifying that she currently
lives 100 miles or more from the nearest abortion provider that is a
facility licensed under Chapter 245 or a facility that performs
more than 50 abortions in any 12-month period):

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

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

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

(D) the physician who is to perform the abortion
or an agent of the physician who is also a sonographer certified by
a national registry of medical sonographers makes audible the heart
auscultation for the pregnant woman to hear, if present, in a
quality consistent with current medical practice and provides, in a
manner understandable to a layperson, a simultaneous verbal
explanation of the heart auscultation;
(5) before receiving a sonogram under Subdivision (4)(A) and before the abortion is performed and before any sedative or anesthesia is administered, the pregnant woman completes and certifies with her signature an election form that states as follows:

"ABORTION AND SONOGRAM ELECTION

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

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

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

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

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

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

___ I AM PREGNANT AS A RESULT OF A SEXUAL ASSAULT, INCEST, OR OTHER VIOLATION OF THE TEXAS PENAL CODE THAT HAS BEEN REPORTED TO LAW ENFORCEMENT AUTHORITIES OR THAT HAS NOT BEEN REPORTED BECAUSE I REASONABLY BELIEVE THAT DOING SO WOULD PUT ME AT RISK OF RETALIATION RESULTING IN SERIOUS BODILY INJURY.
I AM A MINOR AND OBTAINING AN ABORTION IN ACCORDANCE WITH JUDICIAL BYPASS PROCEDURES UNDER CHAPTER 33, TEXAS FAMILY CODE.

MY FETUS HAS AN IRREVERSIBLE MEDICAL CONDITION OR ABNORMALITY, AS IDENTIFIED BY RELIABLE DIAGNOSTIC PROCEDURES AND DOCUMENTED IN MY MEDICAL FILE.

I AM MAKING THIS ELECTION OF MY OWN FREE WILL AND WITHOUT COERCION.

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

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

SIGNATURE DATE

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

the pregnant woman is provided the name of each
person who provides or explains the information required under this subsection.

(b) The information required to be provided under Subsections (a)(1) and (2) may not be provided by audio or video recording and must be provided, at least 24 hours before the abortion is to be performed.

[(1) orally and in person in a private and confidential setting [if the pregnant woman currently lives less than 100 miles from the nearest abortion provider that is a facility licensed under Chapter 245 or a facility that performs more than 50 abortions in any 12-month period; or

[(2) orally by telephone or in person in a private and confidential setting if the pregnant woman certifies that the woman currently lives 100 miles or more from the nearest abortion provider that is a facility licensed under Chapter 245 or a facility that performs more than 50 abortions in any 12-month period].

SECTION 2. Section 171.017, Health and Safety Code, is amended to read as follows:

Sec. 171.017. PERIODS RUN CONCURRENTLY. If the woman is an unemancipated minor subject to Chapter 33, Family Code, the 24-hour period established under Section 171.012(b) and 171.013(a) may run concurrently with the period during which actual or constructive notice is provided under Section 33.002, Family Code.

SECTION 3. The change in law made by this Act applies only to an abortion performed on or after the effective date of this Act. An abortion performed before the effective date of this Act is
governed by the law in effect on the date the abortion is performed, and that law continues in effect for that purpose.

SECTION 4. 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, 2015.