

By: Farrar

H.B. No. 3966

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of limited service pregnancy centers;
providing civil 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) "Commission" means the Health and Human Services
Commission.

(2) "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.

(3) "Limited service pregnancy center" means an
organization, including a pregnancy counseling organization,
crisis pregnancy center, pregnancy care center, or pregnancy
support 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, provides contraception, or provides

abortion or contraception referrals.

(4) "Medically inaccurate information" means information not supported by the weight of peer-reviewed research conducted in compliance with accepted scientific methods and recognized as accurate by leading professional organizations and agencies with relevant expertise in the field.

Sec. 172.002. REPORTING REQUIREMENT. (a) A limited service pregnancy center in this state shall submit to the commission and the appropriate local health authority a monthly report that contains:

(1) the number of women who received services at the center;

(2) the average cost incurred by the center in providing the services to each woman;

(3) a list of the services provided at the center;

(4) the credentials of each person providing each type of service; and

(5) de-identified statistics on:

(A) the number of pregnancy tests performed and number of pregnancy tests with a positive result; and

(B) the number of tests performed for sexually transmitted infections and the number of positive test results and for which diseases.

(b) The commission shall publish the reported information on the commission's Internet website. If the commission contracts with an organization for the distribution of state funding to limited service pregnancy centers, that organization must publish

1 the reported information on the organization's Internet website.

2 Sec. 172.003. FALSE OR MISLEADING STATEMENTS PROHIBITED. A
3 limited service pregnancy center may not make false or misleading
4 statements, including:

5 (1) providing medically inaccurate information; and
6 (2) misrepresenting the services provided at the
7 center or the qualifications of center staff.

8 Sec. 172.004. VIOLATION; CIVIL PENALTY. (a) A limited
9 service pregnancy center that violates this chapter is liable to
10 the state for a civil penalty of not less than \$50 but not more than
11 \$500 for each violation. Each day a continuing violation occurs
12 constitutes a separate violation.

13 (b) The attorney general, the district or county attorney
14 for the county, or the municipal attorney of the municipality in
15 which the violation is alleged to have occurred may bring an action
16 to recover a civil penalty under this section or to enjoin
17 violations of this chapter.

18 (c) Before a suit may be brought for a violation of this
19 chapter, the attorney general, the district or county attorney for
20 the county, or the municipal attorney of the municipality in which
21 the violation is alleged to have occurred shall provide to the
22 limited service pregnancy center notice that:

23 (1) describes the violation;
24 (2) states the amount of the proposed penalty for the
25 violation; and

26 (3) gives 10 days from the receipt of the notice to
27 cure the violation to avoid the penalty.

1 Sec. 172.005. STATE FUNDING PROHIBITED. The commission, or
2 an organization distributing state funds under contract with the
3 commission, may not grant or distribute state funding to a limited
4 service pregnancy center that violates this chapter.

5 SECTION 2. A limited service pregnancy center is not
6 required to submit a report required by Section 172.002, Health and
7 Safety Code, as added by this Act, before January 1, 2016.

8 SECTION 3. This Act takes effect September 1, 2015.