

By: Lucio

S.B. No. 1869

A BILL TO BE ENTITLED

1 AN ACT

2 relating to resource awareness sessions for women seeking
3 abortions.

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

5 SECTION 1. Section 171.012(a), Health and Safety Code, is
6 amended to read as follows:

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

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

12 (A) the physician's name;

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

16 (i) the risks of infection and hemorrhage;

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

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

23 (C) the probable gestational age of the unborn
24 child at the time the abortion is to be performed; and

1 (D) the medical risks associated with carrying
2 the child to term;

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

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

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

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

14 (D) the Health and Human Services Commission
15 offers, at no cost, a resource awareness session that provides
16 information regarding:

17 (i) a pregnant woman's option to place her
18 child for adoption;

19 (ii) a woman's health before and during
20 pregnancy; and

21 (iii) available resources for pregnant
22 women and their children, including:

23 (a) the federal special supplemental
24 nutrition program for women, infants, and children authorized by 42
25 U.S.C. Section 1786;

26 (b) the supplemental nutrition
27 assistance program under Chapter 33, Human Resources Code; and

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

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

10 (D) the physician who is to perform the abortion
11 or an agent of the physician who is also a sonographer certified by
12 a national registry of medical sonographers makes audible the heart
13 auscultation for the pregnant woman to hear, if present, in a
14 quality consistent with current medical practice and provides, in a
15 manner understandable to a layperson, a simultaneous verbal
16 explanation of the heart auscultation;

17 (5) before receiving a sonogram under Subdivision
18 (4)(A) and before the abortion is performed and before any sedative
19 or anesthesia is administered, the pregnant woman completes and
20 certifies with her signature an election form that states as
21 follows:

22 "ABORTION AND SONOGRAM ELECTION

23 (1) THE INFORMATION AND PRINTED MATERIALS
24 DESCRIBED BY SECTIONS [171.012\(a\)\(1\)-\(3\)](#), TEXAS HEALTH
25 AND SAFETY CODE, HAVE BEEN PROVIDED AND EXPLAINED TO
26 ME.

27 (2) I UNDERSTAND THE NATURE AND CONSEQUENCES OF

1 AN ABORTION.

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

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

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

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

11 ___ I AM PREGNANT AS A RESULT OF A SEXUAL ASSAULT,
12 INCEST, OR OTHER VIOLATION OF THE TEXAS PENAL CODE THAT
13 HAS BEEN REPORTED TO LAW ENFORCEMENT AUTHORITIES OR
14 THAT HAS NOT BEEN REPORTED BECAUSE I REASONABLY
15 BELIEVE THAT DOING SO WOULD PUT ME AT RISK OF
16 RETALIATION RESULTING IN SERIOUS BODILY INJURY.

17 ___ I AM A MINOR AND OBTAINING AN ABORTION IN
18 ACCORDANCE WITH JUDICIAL BYPASS PROCEDURES UNDER
19 CHAPTER 33, TEXAS FAMILY CODE.

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

24 (7) I AM MAKING THIS ELECTION OF MY OWN FREE WILL
25 AND WITHOUT COERCION.

26 (8) FOR A WOMAN WHO LIVES 100 MILES OR MORE FROM
27 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";

(6) before the abortion is performed, the pregnant woman completes the resource awareness session and obtains the certificate of completion required by Subchapter E in the time authorized under Subchapter E or signs the affidavit described by Section 171.102;

(7) before the abortion is performed, the physician who is to perform the abortion receives a copy of:

(A) the signed, written certification required by Subdivision (5); and

(B) the certificate of completion or affidavit required by Subdivision (6); and

(8) [~~7~~] the pregnant woman is provided the name of each person who provides or explains the information required under this subsection.

SECTION 2. Section 171.014(a), Health and Safety Code, is

1 amended to read as follows:

2 (a) The department shall publish informational materials
3 that include:

4 (1) the information required to be provided under
5 Sections 171.012(a)(1)(B) and (D) and (a)(2)(A), (B), ~~and~~ (C),
6 and (D); and

7 (2) the materials required by Sections 171.015 and
8 171.016.

9 SECTION 3. Chapter 171, Health and Safety Code, is amended
10 by adding Subchapter E to read as follows:

11 SUBCHAPTER E. RESOURCE AWARENESS SESSION

12 Sec. 171.101. RESOURCE AWARENESS SESSION. (a) The Health
13 and Human Services Commission, in consultation with the Department
14 of State Health Services and the Department of Family and
15 Protective Services, shall:

16 (1) develop a resource awareness session of at least
17 one hour and not more than three hours that provides information
18 regarding:

19 (A) a pregnant woman's option to place her child
20 for adoption;

21 (B) a woman's health before and during pregnancy;
22 and

23 (C) available resources for pregnant women and
24 their children, including:

25 (i) the federal special supplemental
26 nutrition program for women, infants, and children authorized by 42
27 U.S.C. Section 1786;

1 (ii) the supplemental nutrition assistance
2 program under Chapter 33, Human Resources Code; and

3 (iii) information on selection of a
4 physician;

5 (2) make the session available at no cost to any person
6 who wishes to take the session on the commission's Internet website
7 in English, Spanish, and any other language the executive
8 commissioner of the Health and Human Services Commission determines
9 appropriate;

10 (3) work with the Texas Pregnancy Care Network and
11 other nonprofit organizations that the executive commissioner of
12 the Health and Human Services Commission determines appropriate to
13 make the session available at no cost in person to any person who
14 wishes to take the session in person; and

15 (4) provide a dated certificate of completion to each
16 person who completes the session.

17 (b) Except as provided by Section 171.103, a pregnant woman
18 may not obtain an abortion unless the woman:

19 (1) completes the resource awareness session
20 described by Subsection (a) not more than 30 days and not less than
21 24 hours before the abortion is performed or induced and submits the
22 certificate of completion to the physician performing or inducing
23 the abortion; or

24 (2) submits the affidavit described by Section 171.102
25 to the physician performing or inducing the abortion.

26 (c) Except as provided by Section 171.103, a physician may
27 not perform or induce an abortion on a pregnant woman without first

1 receiving from the woman:

2 (1) a certificate of completion described by
3 Subsection (a)(4) for a resource awareness session completed by the
4 woman in the time authorized under Subsection (b)(1); or

5 (2) an affidavit described by Section 171.102.

6 (d) The executive commissioner of the Health and Human
7 Services Commission, in consultation with the Department of State
8 Health Services and the Department of Family and Protective
9 Services, shall adopt the rules necessary to implement this
10 subchapter, including rules to provide pregnant minors with access
11 to the resource awareness session.

12 Sec. 171.102. AFFIDAVIT IN LIEU OF CERTIFICATE OF
13 COMPLETION. (a) A pregnant woman is not required to complete the
14 resource awareness session described by Section 171.101 to obtain
15 an abortion if the abortion is to be performed:

16 (1) on a minor whose pregnancy is a result of a sexual
17 assault, incest, or other violation of the Penal Code that has been
18 reported to law enforcement authorities or that has not been
19 reported because she has a reason that she declines to reveal
20 because she reasonably believes that to do so would put her at risk
21 of retaliation resulting in serious bodily injury; or

22 (2) with the intent to:

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

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

27 (C) remove an ectopic pregnancy; or

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

3 (b) To obtain an abortion, a pregnant woman who is not
4 required to complete the resource awareness session as provided by
5 Subsection (a) must complete and certify with her signature an
6 affidavit stating she is not required to complete the resource
7 awareness session for a reason listed in Subsection (a).

8 Sec. 171.103. APPLICABILITY. This subchapter does not
9 apply to an abortion performed in a medical emergency, as defined by
10 Section 171.002.

11 SECTION 4. (a) The executive commissioner of the Health and
12 Human Services Commission shall adopt the rules required by
13 Subchapter E, Chapter 171, Health and Safety Code, as added by this
14 Act, not later than January 1, 2016.

15 (b) The Health and Human Services Commission shall make the
16 resource awareness session described by Subchapter E, Chapter 171,
17 Health and Safety Code, as added by this Act, available not later
18 than June 1, 2016.

19 SECTION 5. The change in law made by this Act applies only
20 to an abortion performed or induced on or after July 1, 2016. An
21 abortion performed or induced before July 1, 2016, is governed by
22 the law in effect immediately before the effective date of this Act,
23 and that law is continued in effect for that purpose.

24 SECTION 6. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2015.