

## **BILL ANALYSIS**

Senate Research Center  
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S.B. 73  
By: Hughes et al.  
Health & Human Services  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

S.B. 73 adds reporting requirements for doctors who perform abortions on women younger than 18 years of age. It requires physicians to document in the woman's medical record and report to the department whether, in order to get the abortion, the young woman obtained parental consent, was granted a judicial bypass, had been emancipated from her parent or was in an emergency situation requiring protection of the mother's life. It also requires a physician who performs an abortion based on a severe and irreversible fetal abnormality to specify the form of the fetal abnormality. These changes will provide the department with more information on the circumstances under which minor women are being granted access to abortions in Texas and allow the legislature to address the issue of abortions provided to minors in a more informed way.

As proposed, S.B. 73 amends current law relating to reporting and certification requirements by certain physicians regarding certain abortions.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 170.002(c), Health and Safety Code, to require a physician who performs an abortion that, according to the physician's best medical judgment at the time of the abortion, is to abort a viable unborn child during the third trimester of the pregnancy, if the physician certifies the abortion was authorized by Subsection (b)(3) (relating to providing that a physician is not prohibited from performing an abortion if the physician concludes that the fetus has a certain severe and irreversible abnormality), to certify in writing on the form prescribed by the Department of State Health Services (DSHS) the fetal abnormality identified by the physician.

SECTION 2. Amends Subchapter A, Chapter 171, Health and Safety Code, by adding Section 171.006, as follows:

Sec. 171.006. REPORTING REQUIREMENTS FOR ABORTIONS PERFORMED ON WOMEN YOUNGER THAN 18 YEARS OF AGE. Requires the physician who performed an abortion on a woman who is younger than 18 years of age, for each abortion performed, to document in the woman's medical record and report to DSHS:

(1) one of the following methods for obtaining authorization for the abortion:

(A) the woman's parent, managing conservator, or legal guardian provided the written consent required by Section 164.052(a)(19) (relating to providing that a certain person commits a prohibited practice if that person performs an abortion on an unemancipated minor without written consent from certain persons), Occupations Code;

(B) the woman obtained judicial authorization under Section 33.003 (Judicial Approval) or 33.004 (Appeal), Family Code;

(C) the woman consented to the abortion if the woman has had the disabilities of minority removed and is authorized under law to have the abortion without the written consent required by Section 164.052(a)(19), Occupations Code, or without judicial authorization under Section 33.003 or 33.004, Family Code; or

(D) the physician concluded and documented in writing in the woman's medical record that on the basis of the physician's good faith clinical judgment a certain medical condition existed and there was insufficient time to obtain the consent of the woman's parent, managing conservator, or legal guardian;

(2) if the woman's parent, managing conservator, or legal guardian provided the written consent described by Subdivision (1)(A), whether the consent was given in person at the location where the abortion was performed or at a place other than the location where the abortion was performed; and

(3) if the woman obtained the judicial authorization described by Subdivision (1)(B):

(A) if applicable, the process the physician or physician's agent used to inform the woman of the availability of petitioning for judicial authorization as an alternative to the written consent required by Section 164.052(a)(19), Occupations Code;

(B) whether the court forms were provided to the woman by the physician or the physician's agent; and

(C) whether the physician or the physician's agent made arrangements for the woman's court appearance.

SECTION 3. Makes application of Section 170.002, Health and Safety Code, as amended by this Act, and Section 171.006, Health and Safety Code, as added by this Act, prospective to December 1, 2017.

SECTION 4. Effective date: upon passage or on the 91st day after the last day of the legislative session.