

BILL ANALYSIS

Senate Research Center
85S10892 KKR-F

S.B. 77
By: Schwertner
Health & Human Services
7/20/2017
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2011, the Texas Legislature voted to withdraw all state funding for abortion providers such as Planned Parenthood. In its place, the legislature created the Healthy Texas Women's Program, a comprehensive women's health program designed to assist low-income Texas women in obtaining critical primary care and prevention services like mammograms and pap smears. This robust network of women's healthcare providers is able to deliver critical, high-quality care to Texas women without promoting or providing abortion services. In the recently adopted 2018-2019 state budget, providers participating in the Healthy Texas Women's Program were appropriated over \$280 million for the biennium; an increase of \$30 million over current spending.

Despite these significant efforts at the state level, there is currently no legal barrier to prevent local governmental entities, such as cities or counties, from using taxpayer funds or resources to support abortion. The vast majority of Texans have made it clear that they do not want their tax dollars used to fund abortion providers like Planned Parenthood, regardless of whether those dollars are collected at the local, state, or federal level. By respecting the moral and ethical concerns of millions of Texans, S.B. 77 will make it clear, once and for all, that no public tax dollars are used to support entities involved in the practice of abortion.

S.B. 77 is agreed to language by Texas Right to Life, Texas Alliance for Life, Texas Catholic Conference of Bishops, and Texans for Life Coalition.

Key Provisions:

- Prohibits a governmental entity from engaging in any transaction with an abortion provider or affiliate.
- Allows the Texas attorney general to enjoin any governmental entity found to have entered into a contract supporting an abortion provider or affiliate.
- Exempts basic governmental services like police and fire from the prohibition on transactions, as well as existing public medical education programs tied to federal accreditation requirements.

As proposed, S.B. 77 amends current law relating to prohibiting certain transactions between a governmental entity and an abortion provider or affiliate of the provider.

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 Subtitle F, Title 10, Government Code, by adding Chapter 2271, as follows:

CHAPTER 2271. PROHIBITED TRANSACTIONS

Sec. 2271.001. DEFINITIONS. Defines "abortion," "abortion provider," "affiliate," "governmental entity," and "taxpayer resource transaction."

Sec. 2271.002. APPLICABILITY. (a) Provides that this chapter does not apply to certain medical entities.

(b) Provides that for purposes of this chapter, a facility is not considered to be an abortion provider solely based on the performance of an abortion at the facility during a medical emergency as defined by Section 171.002 (Definitions), Health and Safety Code.

Sec. 2271.003. ABORTION PROVIDER AND AFFILIATE TRANSACTIONS PROHIBITED; EXCEPTION. (a) Prohibits a governmental entity, except as provided by Subsection (b), from entering into a taxpayer resource transaction or contract with an abortion provider or an affiliate of an abortion provider.

(b) Provides that this section does not apply to a taxpayer resource transaction involving a federal law that conflicts with Subsection (a) as determined by the executive commissioner of the Health and Human Services Commission and confirmed in writing by the Texas attorney general (attorney general).

Sec. 2271.004. INJUNCTION; WAIVER OF IMMUNITY. (a) Authorizes the attorney general to bring an action in the name of the state to enjoin a violation of Section 2271.003. Authorizes the attorney general to recover reasonable attorney's fees and costs incurred in bringing an action under this subsection.

(b) Provides that sovereign or governmental immunity, as applicable, of a governmental entity to suit and from liability is waived to the extent of liability created by Subsection (a).

SECTION 2. Makes application of Chapter 2271, Government Code, as added by this Act, prospective.

SECTION 3. Effective date: upon passage or on the 91st day after the last day of the legislative session.