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H.B. No. 215

A BILL TO BE ENTITLED

1 AN ACT
2 relating to reporting and certification requirements by certain
3 physicians regarding certain abortions.

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

5 SECTION 1. Section 170.002(c), Health and Safety Code, is
6 amended to read as follows:

7 (c) A physician who performs an abortion that, according to
8 the physician's best medical judgment at the time of the abortion,
9 is to abort a viable unborn child during the third trimester of the
10 pregnancy shall certify in writing to the commission [~~department~~],
11 on a form prescribed by the commission [~~department~~], the medical
12 indications supporting the physician's judgment that the abortion
13 was authorized by Subsection (b)(2) or (3). If the physician
14 certifies the abortion was authorized by Subsection (b)(3), the
15 physician shall certify in writing on the form the fetal
16 abnormality identified by the physician. The certification must be
17 made not later than the 30th day after the date the abortion was
18 performed.

19 SECTION 2. Subchapter A, Chapter 171, Health and Safety
20 Code, is amended by adding Section 171.006 to read as follows:

21 Sec. 171.006. REPORTING REQUIREMENTS FOR ABORTIONS
22 PERFORMED ON WOMEN YOUNGER THAN 18 YEARS OF AGE. (a) For each
23 abortion performed on a woman who is younger than 18 years of age,
24 the physician who performed the abortion shall document in the

1 woman's medical record and report to the commission in the report
2 required under Section 245.011:

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

5 (A) the woman's parent, managing conservator, or
6 legal guardian provided the written consent required by Section
7 164.052(a)(19), Occupations Code;

8 (B) the woman obtained judicial authorization
9 under Section 33.003 or 33.004, Family Code;

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

16 (D) the physician concluded and documented in
17 writing in the woman's medical record that on the basis of the
18 physician's good faith clinical judgment:

19 (i) a condition existed that complicated
20 the medical condition of the woman and necessitated the immediate
21 abortion of the woman's pregnancy to avert the woman's death or to
22 avoid a serious risk of substantial impairment of a major bodily
23 function; and

24 (ii) there was insufficient time to obtain
25 the consent of the woman's parent, managing conservator, or legal
26 guardian;

27 (2) if the woman's parent, managing conservator, or

1 legal guardian provided the written consent described by
2 Subdivision (1)(A), whether the consent was given:

3 (A) in person at the location where the abortion
4 was performed; or

5 (B) at a place other than the location where the
6 abortion was performed; and

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

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

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

16 (C) whether the physician or the physician's
17 agent made arrangements for the woman's court appearance; and

18 (D) if known, whether the woman became pregnant
19 while in foster care or in the managing conservatorship of the
20 Department of Family and Protective Services.

21 (b) Except as provided by Section 245.023, all information
22 and records held by the commission under this section are
23 confidential and are not open records for the purposes of Chapter
24 552, Government Code. That information may not be released or made
25 public on subpoena or otherwise, except release may be made:

26 (1) for statistical purposes, but only if a person,
27 patient, or health care facility is not identified;

1 (2) with the consent of each person, patient, and
2 facility identified in the information released;

3 (3) to appropriate state agencies or county and
4 district courts to enforce this chapter;

5 (4) to appropriate state licensing boards to enforce
6 state licensing laws; or

7 (5) to licensed medical or health care personnel
8 currently treating the patient.

9 (c) Any information released by the commission may not
10 identify by any means the county in which a minor obtained judicial
11 authorization for an abortion under Chapter 33, Family Code.

12 SECTION 3. Section 170.002, Health and Safety Code, as
13 amended by this Act, and Section 171.006, Health and Safety Code, as
14 added by this Act, apply only to an abortion performed on or after
15 December 1, 2017. An abortion performed before December 1, 2017, is
16 governed by the law applicable to the abortion immediately before
17 the effective date of this Act, and that law is continued in effect
18 for that purpose.

19 SECTION 4. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect on the 91st day after the last day of the
24 legislative session.