

By: Hughes, et al.

S.B. No. 73

A BILL TO BE ENTITLED

AN ACT

relating to reporting and certification requirements by certain physicians regarding certain abortions.

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

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

(c) 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 shall certify in writing to the department, on a form prescribed by the department, the medical indications supporting the physician's judgment that the abortion was authorized by Subsection (b)(2) or (3). If the physician certifies the abortion was authorized by Subsection (b)(3), the physician shall certify in writing on the form the fetal abnormality identified by the physician. The certification must be made not later than the 30th day after the date the abortion was performed.

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

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

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

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

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

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

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

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

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

25           (2) if the woman's parent, managing conservator, or  
26 legal guardian provided the written consent described by  
27 Subdivision (1)(A), whether the consent was given:

1           (A) in person at the location where the abortion  
2 was performed; or

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

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

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

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

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

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

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

S.B. No. 73

1 legislative session.