

1-1 By: Hughes, et al. S.B. No. 73
 1-2 (In the Senate - Filed July 18, 2017; July 20, 2017, read
 1-3 first time and referred to Committee on Health & Human Services;
 1-4 July 22, 2017, reported favorably by the following vote: Yeas 6,
 1-5 Nays 3; July 22, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9		X		
1-10	X			
1-11	X			
1-12	X			
1-13		X		
1-14	X			
1-15	X			
1-16		X		

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to reporting and certification requirements by certain
 1-20 physicians regarding certain abortions.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 170.002(c), Health and Safety Code, is
 1-23 amended to read as follows:

1-24 (c) A physician who performs an abortion that, according to
 1-25 the physician's best medical judgment at the time of the abortion,
 1-26 is to abort a viable unborn child during the third trimester of the
 1-27 pregnancy shall certify in writing to the department, on a form
 1-28 prescribed by the department, the medical indications supporting
 1-29 the physician's judgment that the abortion was authorized by
 1-30 Subsection (b)(2) or (3). If the physician certifies the abortion
 1-31 was authorized by Subsection (b)(3), the physician shall certify in
 1-32 writing on the form the fetal abnormality identified by the
 1-33 physician. The certification must be made not later than the 30th
 1-34 day after the date the abortion was performed.

1-35 SECTION 2. Subchapter A, Chapter 171, Health and Safety
 1-36 Code, is amended by adding Section 171.006 to read as follows:

1-37 Sec. 171.006. REPORTING REQUIREMENTS FOR ABORTIONS
 1-38 PERFORMED ON WOMEN YOUNGER THAN 18 YEARS OF AGE. For each abortion
 1-39 performed on a woman who is younger than 18 years of age, the
 1-40 physician who performed the abortion shall document in the woman's
 1-41 medical record and report to the department:

1-42 (1) one of the following methods for obtaining
 1-43 authorization for the abortion:

1-44 (A) the woman's parent, managing conservator, or
 1-45 legal guardian provided the written consent required by Section
 1-46 164.052(a)(19), Occupations Code;

1-47 (B) the woman obtained judicial authorization
 1-48 under Section 33.003 or 33.004, Family Code;

1-49 (C) the woman consented to the abortion if the
 1-50 woman has had the disabilities of minority removed and is
 1-51 authorized under law to have the abortion without the written
 1-52 consent required by Section 164.052(a)(19), Occupations Code, or
 1-53 without judicial authorization under Section 33.003 or 33.004,
 1-54 Family Code; or

1-55 (D) the physician concluded and documented in
 1-56 writing in the woman's medical record that on the basis of the
 1-57 physician's good faith clinical judgment:

1-58 (i) a condition existed that complicated
 1-59 the medical condition of the woman and necessitated the immediate
 1-60 abortion of the woman's pregnancy to avert the woman's death or to
 1-61 avoid a serious risk of substantial impairment of a major bodily

2-1 function; and
 2-2 (ii) there was insufficient time to obtain
 2-3 the consent of the woman's parent, managing conservator, or legal
 2-4 guardian;
 2-5 (2) if the woman's parent, managing conservator, or
 2-6 legal guardian provided the written consent described by
 2-7 Subdivision (1)(A), whether the consent was given:
 2-8 (A) in person at the location where the abortion
 2-9 was performed; or
 2-10 (B) at a place other than the location where the
 2-11 abortion was performed; and
 2-12 (3) if the woman obtained the judicial authorization
 2-13 described by Subdivision (1)(B):
 2-14 (A) if applicable, the process the physician or
 2-15 physician's agent used to inform the woman of the availability of
 2-16 petitioning for judicial authorization as an alternative to the
 2-17 written consent required by Section 164.052(a)(19), Occupations
 2-18 Code;
 2-19 (B) whether the court forms were provided to the
 2-20 woman by the physician or the physician's agent; and
 2-21 (C) whether the physician or the physician's
 2-22 agent made arrangements for the woman's court appearance.

2-23 SECTION 3. Section 170.002, Health and Safety Code, as
 2-24 amended by this Act, and Section 171.006, Health and Safety Code, as
 2-25 added by this Act, apply only to an abortion performed on or after
 2-26 December 1, 2017. An abortion performed before December 1, 2017, is
 2-27 governed by the law applicable to the abortion immediately before
 2-28 the effective date of this Act, and that law is continued in effect
 2-29 for that purpose.

2-30 SECTION 4. This Act takes effect immediately if it receives
 2-31 a vote of two-thirds of all the members elected to each house, as
 2-32 provided by Section 39, Article III, Texas Constitution. If this
 2-33 Act does not receive the vote necessary for immediate effect, this
 2-34 Act takes effect on the 91st day after the last day of the
 2-35 legislative session.

2-36 * * * * *