

By: Schaefer

H.B. No. 1971

A BILL TO BE ENTITLED

AN ACT

relating to providing information regarding perinatal hospice care and prohibiting discriminatory abortions; creating an administrative penalty, a civil remedy, and criminal offenses.

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

SECTION 1. This Act may be cited as the Disabled Preborn Justice Act.

SECTION 2. Chapter 161, Health and Safety Code, is amended by adding Subchapter X to read as follows:

SUBCHAPTER X. PERINATAL HOSPICE CARE

Sec. 161.701. PURPOSE OF SUBCHAPTER. The purpose of this subchapter is to ensure that:

(1) a pregnant woman who receives a diagnosis of a life-threatening disability of the woman's unborn child is informed of the availability of perinatal hospice care; and

(2) a pregnant woman who chooses abortion after receiving a diagnosis of a life-threatening disability of the woman's unborn child makes a fully informed decision.

Sec. 161.702. DEFINITION. In this subchapter, "perinatal hospice care" means the provision of comprehensive, supportive care to a pregnant woman, her unborn child, and her family, from diagnosis of the unborn child's life-threatening disability through the delivery and death of the child as a result of the life-threatening disability. The term includes counseling and

1 health care provided by maternal-fetal medical specialists,  
2 obstetricians, neonatologists, anesthesia specialists, specialty  
3 nurses, clergy, social workers, and other individuals focused on  
4 alleviating fear and ensuring the pregnant woman, her unborn child,  
5 and her family experience the life and death of the child in a  
6 comfortable and supportive environment.

7 Sec. 161.703. PERINATAL HOSPICE CARE INFORMATIONAL  
8 MATERIALS. (a) The department shall develop perinatal hospice  
9 care informational materials and post the materials on the  
10 department's Internet website. The materials must include:

11 (1) a description of the health care and other  
12 services available through perinatal hospice care; and

13 (2) information about medical assistance benefits  
14 that may be available for prenatal care, childbirth, and perinatal  
15 hospice care.

16 (b) The department shall develop and regularly update a  
17 geographically indexed list of all perinatal hospice care providers  
18 and programs in this state. The department may include perinatal  
19 hospice care providers and programs in other states that provide  
20 care to residents of this state. The department shall post the list  
21 of perinatal hospice care providers and programs on the  
22 department's Internet website.

23 Sec. 161.704. PERINATAL HOSPICE CARE CERTIFICATION FORM.  
24 The department shall develop a form on which a pregnant woman  
25 certifies she has received the perinatal hospice care informational  
26 materials and list of the perinatal hospice care providers and  
27 programs described by Section 161.703.

1       Sec. 161.705. HEALTH CARE PROVIDER DUTIES ON DIAGNOSIS OF  
2 UNBORN CHILD'S LIFE-THREATENING DISABILITY. A health care provider  
3 who diagnoses a pregnant woman's unborn child as having a  
4 life-threatening disability shall, at the time of the diagnosis:

5           (1) provide the pregnant woman with a written copy of:

6                   (A) the perinatal hospice care informational  
7 materials and list of the perinatal hospice care providers and  
8 programs described by Section 161.703; and

9                   (B) the perinatal hospice care certification  
10 form described by Section 161.704; and

11           (2) obtain from the pregnant woman the signed  
12 perinatal hospice care certification form and place the form in the  
13 pregnant woman's medical records.

14       Sec. 161.706. EXCEPTION. (a) A health care provider is not  
15 required to provide the perinatal hospice care informational  
16 materials or perinatal hospice care certification form under this  
17 subchapter if the health care provider verifies the pregnant  
18 woman's medical record contains a signed perinatal hospice care  
19 certification form required under Section 161.705(2).

20           (b) This section does not affect a health care provider's  
21 duty to provide the perinatal hospice care informational materials  
22 or perinatal hospice care certification form described by this  
23 subchapter as required under Subchapter B, Chapter 171.

24       SECTION 3. Chapter 170, Health and Safety Code, is amended  
25 by designating Sections 170.001 and 170.002 as Subchapter A and  
26 adding a subchapter heading to read as follows:

27       SUBCHAPTER A. GENERAL PROVISIONS; POST-VIABILITY ABORTION

PROHIBITED

SECTION 4. Sections 170.002(b) and (c), Health and Safety Code, are amended to read as follows:

(b) Subsection (a) does not prohibit a person from performing an abortion if at the time of the abortion the person is a physician and concludes in good faith according to the physician's best medical judgment that[+]

~~[(1) the fetus is not a viable fetus and the pregnancy is not in the third trimester,~~

~~[(2)] the abortion is necessary to prevent the death or a substantial risk of serious impairment to the physical or mental health of the woman[+or~~

~~[(3) the fetus has a severe and irreversible abnormality, identified by reliable diagnostic procedures].~~

(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) [~~(b)(2) or (3)~~]. The certification must be made not later than the 30th day after the date the abortion was performed.

SECTION 5. Chapter 170, Health and Safety Code, is amended by adding Subchapter B to read as follows:

SUBCHAPTER B. DISCRIMINATORY ABORTION PROHIBITED

Sec. 170.051. DEFINITION. In this subchapter, "disability" means:

1           (1) having a physical or mental impairment that would  
2 substantially limit one or more of an individual's major life  
3 activities; or

4           (2) an assessment referencing an individual's  
5 impairment described by Subdivision (1).

6           Sec. 170.052. DISCRIMINATORY ABORTION. A person may not:

7           (1) knowingly perform or attempt to perform on a  
8 pregnant woman an abortion based on the race, ethnicity, sex,  
9 probability of having or diagnosis of Down syndrome, or probability  
10 of having or diagnosis of a disability of the woman's unborn child;  
11 or

12           (2) use force or the threat of force to intentionally  
13 injure or intimidate a person in order to coerce the performance or  
14 attempted performance of an abortion based on the race, ethnicity,  
15 sex, probability of having or diagnosis of Down syndrome, or  
16 probability of having or diagnosis of a disability of the woman's  
17 unborn child.

18           Sec. 170.053. CRIMINAL PENALTIES. (a) A person other than  
19 a physician who violates Section 170.052 commits an offense. An  
20 offense under this subsection is a Class B misdemeanor.

21           (b) A physician who violates Section 170.052 commits an  
22 offense. An offense under this subsection is a Class C misdemeanor  
23 punishable by a fine not to exceed \$10,000.

24           (c) A woman on whom an abortion is performed or attempted in  
25 violation of Section 170.052 may not be prosecuted for a violation  
26 of that section or for conspiracy to commit a violation of that  
27 section.

1       Sec. 170.054. ADMINISTRATIVE PENALTY. A physician who  
2 violates Section 170.052 engages in unprofessional conduct for  
3 which the physician's license may be suspended or revoked under  
4 Chapter 164, Occupations Code.

5       Sec. 170.055. CIVIL REMEDIES. (a) A civil action may be  
6 brought against a person who violates Section 170.052 by:

7           (1) the woman on whom an abortion was performed or  
8 attempted in violation of Section 170.052;

9           (2) the father of an unborn child for an abortion  
10 performed or attempted on a pregnant woman in violation of Section  
11 170.052, unless the woman's pregnancy resulted from the father's  
12 criminal conduct; or

13           (3) a maternal grandparent of an unborn child for an  
14 abortion performed or attempted in violation of Section 170.052 on  
15 a pregnant woman who was less than 18 years of age at the time of the  
16 violation, unless the woman's pregnancy resulted from the maternal  
17 grandparent's criminal conduct.

18       (b) A person who brings an action under this section may  
19 obtain:

20           (1) injunctive relief;

21           (2) damages incurred by the person, including:

22                   (A) actual damages for all psychological,  
23 emotional, and physical injuries resulting from the violation of  
24 Section 170.052;

25                   (B) court costs; and

26                   (C) reasonable attorney's fees; or

27           (3) both injunctive relief and damages.

1        (c) An action for damages or injunctive relief under this  
2 section must be filed:

3            (1) in a district court in the county in which the  
4 woman on whom an abortion was performed or attempted in violation of  
5 Section 170.052 resides; and

6            (2) not later than the sixth anniversary of the date  
7 the abortion was performed or attempted in violation of Section  
8 170.052.

9        (d) The damages and injunctive relief authorized by this  
10 section are in addition to any other remedy available by law.

11        SECTION 6. Section 171.012, Health and Safety Code, is  
12 amended by amending Subsection (a) and adding Subsections (f) and  
13 (g) to read as follows:

14        (a) Consent to an abortion is voluntary and informed only  
15 if:

16            (1) the physician who is to perform the abortion  
17 informs the pregnant woman on whom the abortion is to be performed  
18 of:

19                    (A) the physician's name;

20                    (B) the particular medical risks associated with  
21 the particular abortion procedure to be employed, including, when  
22 medically accurate:

23                            (i) the risks of infection and hemorrhage;

24                            (ii) the potential danger to a subsequent  
25 pregnancy and of infertility; and

26                            (iii) the possibility of increased risk of  
27 breast cancer following an induced abortion and the natural

1 protective effect of a completed pregnancy in avoiding breast  
2 cancer;

3 (C) the probable gestational age of the unborn  
4 child at the time the abortion is to be performed; ~~and~~

5 (D) the medical risks associated with carrying  
6 the child to term; and

7 (E) the state law prohibiting abortion of an  
8 unborn child solely on the basis of the unborn child's race,  
9 ethnicity, sex, probability of having or diagnosis of Down  
10 syndrome, or probability of having or diagnosis of a disability, as  
11 defined by Section 170.051;

12 (2) the physician who is to perform the abortion or the  
13 physician's agent informs the pregnant woman that:

14 (A) medical assistance benefits may be available  
15 for prenatal care, childbirth, and neonatal care;

16 (B) the father is liable for assistance in the  
17 support of the child without regard to whether the father has  
18 offered to pay for the abortion; and

19 (C) public and private agencies provide  
20 pregnancy prevention counseling and medical referrals for  
21 obtaining pregnancy prevention medications or devices, including  
22 emergency contraception for victims of rape or incest;

23 (3) the physician who is to perform the abortion or the  
24 physician's agent:

25 (A) provides the pregnant woman with the printed  
26 materials described by Section 171.014; and

27 (B) informs the pregnant woman that those



1 materials:

2 (i) have been provided by the Department of  
3 State Health Services;

4 (ii) are accessible on an Internet website  
5 sponsored by the department;

6 (iii) describe the unborn child and list  
7 agencies that offer alternatives to abortion; and

8 (iv) include a list of agencies that offer  
9 sonogram services at no cost to the pregnant woman;

10 (4) before any sedative or anesthesia is administered  
11 to the pregnant woman and at least 24 hours before the abortion or  
12 at least two hours before the abortion if the pregnant woman waives  
13 this requirement by certifying that she currently lives 100 miles  
14 or more from the nearest abortion provider that is a facility  
15 licensed under Chapter 245 or a facility that performs more than 50  
16 abortions in any 12-month period:

17 (A) the physician who is to perform the abortion  
18 or an agent of the physician who is also a sonographer certified by  
19 a national registry of medical sonographers performs a sonogram on  
20 the pregnant woman on whom the abortion is to be performed;

21 (B) the physician who is to perform the abortion  
22 displays the sonogram images in a quality consistent with current  
23 medical practice in a manner that the pregnant woman may view them;

24 (C) the physician who is to perform the abortion  
25 provides, in a manner understandable to a layperson, a verbal  
26 explanation of the results of the sonogram images, including a  
27 medical description of the dimensions of the embryo or fetus, the

1 presence of cardiac activity, and the presence of external members  
2 and internal organs; and

3 (D) the physician who is to perform the abortion  
4 or an agent of the physician who is also a sonographer certified by  
5 a national registry of medical sonographers makes audible the heart  
6 auscultation for the pregnant woman to hear, if present, in a  
7 quality consistent with current medical practice and provides, in a  
8 manner understandable to a layperson, a simultaneous verbal  
9 explanation of the heart auscultation;

10 (5) before receiving a sonogram under Subdivision  
11 (4)(A) and before the abortion is performed and before any sedative  
12 or anesthesia is administered, the pregnant woman completes and  
13 certifies with her signature an election form that states as  
14 follows:

15 "ABORTION AND SONOGRAM ELECTION

16 (1) THE INFORMATION AND PRINTED MATERIALS  
17 DESCRIBED BY SECTIONS [171.012\(a\)\(1\)-\(3\)](#), TEXAS HEALTH  
18 AND SAFETY CODE, HAVE BEEN PROVIDED AND EXPLAINED TO  
19 ME.

20 (2) I UNDERSTAND THE NATURE AND CONSEQUENCES OF  
21 AN ABORTION.

22 (3) TEXAS LAW REQUIRES THAT I RECEIVE A SONOGRAM  
23 PRIOR TO RECEIVING AN ABORTION.

24 (4) I UNDERSTAND THAT I HAVE THE OPTION TO VIEW  
25 THE SONOGRAM IMAGES.

26 (5) I UNDERSTAND THAT I HAVE THE OPTION TO HEAR  
27 THE HEARTBEAT.

1           (6) I UNDERSTAND THAT I AM REQUIRED BY LAW TO  
2 HEAR AN EXPLANATION OF THE SONOGRAM IMAGES UNLESS I  
3 CERTIFY IN WRITING TO ONE OF THE FOLLOWING:

4           \_\_\_ I AM PREGNANT AS A RESULT OF A SEXUAL  
5 ASSAULT, INCEST, OR OTHER VIOLATION OF THE TEXAS PENAL  
6 CODE THAT HAS BEEN REPORTED TO LAW ENFORCEMENT  
7 AUTHORITIES OR THAT HAS NOT BEEN REPORTED BECAUSE I  
8 REASONABLY BELIEVE THAT DOING SO WOULD PUT ME AT RISK  
9 OF RETALIATION RESULTING IN SERIOUS BODILY INJURY.

10          \_\_\_ I AM A MINOR AND OBTAINING AN ABORTION IN  
11 ACCORDANCE WITH JUDICIAL BYPASS PROCEDURES UNDER  
12 CHAPTER 33, TEXAS FAMILY CODE.

13          [~~\_\_\_ MY FETUS HAS AN IRREVERSIBLE MEDICAL~~  
14 ~~CONDITION OR ABNORMALITY, AS IDENTIFIED BY RELIABLE~~  
15 ~~DIAGNOSTIC PROCEDURES AND DOCUMENTED IN MY MEDICAL~~  
16 ~~FILE.~~]

17           (7) I AM MAKING THIS ELECTION OF MY OWN FREE WILL  
18 AND WITHOUT COERCION.

19           (8) FOR A WOMAN WHO LIVES 100 MILES OR MORE FROM  
20 THE NEAREST ABORTION PROVIDER THAT IS A FACILITY  
21 LICENSED UNDER CHAPTER 245, TEXAS HEALTH AND SAFETY  
22 CODE, OR A FACILITY THAT PERFORMS MORE THAN 50  
23 ABORTIONS IN ANY 12-MONTH PERIOD ONLY:

24           I CERTIFY THAT, BECAUSE I CURRENTLY LIVE 100  
25 MILES OR MORE FROM THE NEAREST ABORTION PROVIDER THAT  
26 IS A FACILITY LICENSED UNDER CHAPTER 245, TEXAS HEALTH  
27 AND SAFETY CODE, OR A FACILITY THAT PERFORMS MORE THAN

1 50 ABORTIONS IN ANY 12-MONTH PERIOD, I WAIVE THE  
2 REQUIREMENT TO WAIT 24 HOURS AFTER THE SONOGRAM IS  
3 PERFORMED BEFORE RECEIVING THE ABORTION PROCEDURE. MY  
4 PLACE OF RESIDENCE IS:\_\_\_\_\_.

5 \_\_\_\_\_  
6 SIGNATURE

\_\_\_\_\_ DATE";

7 (6) before the abortion is performed, the physician  
8 who is to perform the abortion receives a copy of the signed,  
9 written certification required by Subdivision (5); and

10 (7) the pregnant woman is provided the name of each  
11 person who provides or explains the information required under this  
12 subsection.

13 (f) If the pregnant woman's unborn child has been diagnosed  
14 with a life-threatening disability, the physician who is to perform  
15 the abortion shall, at least 24 hours before the abortion or at  
16 least two hours before the abortion if the pregnant woman waives  
17 this requirement by certifying that she currently lives 100 miles  
18 or more from the nearest abortion provider that is a facility  
19 licensed under Chapter 245 or a facility that performs more than 50  
20 abortions in any 12-month period:

21 (1) orally and in person, inform the pregnant woman of  
22 the availability of perinatal hospice care, as that term is defined  
23 by Section 161.702; and

24 (2) provide the pregnant woman with a written copy of:  
25 (A) the perinatal hospice care informational  
26 materials and list of the perinatal hospice care providers and  
27 programs described by Section 161.703; and

1                   (B) the perinatal hospice care certification  
2 form described by Section 161.704.

3           (g) If a pregnant woman described by Subsection (f), after  
4 receiving from the physician who is to perform the abortion the  
5 perinatal hospice care informational materials and certification  
6 form described by that subsection in the manner required by that  
7 subsection, chooses to have an abortion instead of continuing the  
8 pregnancy in perinatal hospice care, the physician may perform the  
9 abortion only after:

10                   (1) the pregnant woman signs the certification form;  
11 and

12                   (2) the physician places the signed certification form  
13 in the pregnant woman's medical records.

14           SECTION 7. Section [171.0121](#), Health and Safety Code, is  
15 amended to read as follows:

16           Sec. 171.0121. MEDICAL RECORD. (a) Before the abortion  
17 begins, a copy of the signed, written certification received by the  
18 physician under Section [171.012\(a\)\(6\)](#) and, if applicable, under  
19 Section 161.704 must be placed in the pregnant woman's medical  
20 records.

21           (b) A copy of the signed, written certification required  
22 under Sections [171.012\(a\)\(5\)](#) and (6) and of any signed, written  
23 certification required under Section 161.704 shall be retained by  
24 the facility where the abortion is performed until:

25                   (1) the seventh anniversary of the date the  
26 certification [~~it~~] is signed; or

27                   (2) if the pregnant woman is a minor, the later of:

1 (A) the seventh anniversary of the date the  
2 certification [~~it~~] is signed; or

3 (B) the woman's 21st birthday.

4 SECTION 8. Section 171.0122(d), Health and Safety Code, is  
5 amended to read as follows:

6 (d) A pregnant woman may choose not to receive the verbal  
7 explanation of the results of the sonogram images under Section  
8 171.012(a)(4)(C) if:

9 (1) the woman's pregnancy is a result of a sexual  
10 assault, incest, or other violation of the Penal Code that has been  
11 reported to law enforcement authorities or that has not been  
12 reported because she has a reason that she declines to reveal  
13 because she reasonably believes that to do so would put her at risk  
14 of retaliation resulting in serious bodily injury; or

15 (2) the woman is a minor and obtaining an abortion in  
16 accordance with judicial bypass procedures under Chapter 33, Family  
17 Code[~~, or~~

18 [~~(3) the fetus has an irreversible medical condition~~  
19 ~~or abnormality, as previously identified by reliable diagnostic~~  
20 ~~procedures and documented in the woman's medical file].~~

21 SECTION 9. Section 171.014(a), Health and Safety Code, is  
22 amended to read as follows:

23 (a) The department shall publish informational materials  
24 that include:

25 (1) the information required to be provided under  
26 Sections 171.012(a)(1)(B), [and] (D), and (E) and (a)(2)(A), (B),  
27 and (C); and

1 (2) the materials required by Sections 161.703,  
2 171.015, and 171.016.

3 SECTION 10. Section 171.042, Health and Safety Code, is  
4 amended to read as follows:

5 Sec. 171.042. DEFINITION [~~DEFINITIONS~~]. In this  
6 subchapter, [+

7 [~~(1)~~] "post-fertilization [~~Post-fertilization~~] age"  
8 means the age of the unborn child as calculated from the fusion of a  
9 human spermatozoon with a human ovum.

10 [~~(2) "Severe fetal abnormality" has the meaning~~  
11 ~~assigned by Section 285.202.~~]

12 SECTION 11. Section 285.202(a), Health and Safety Code, is  
13 amended to read as follows:

14 (a) In this section, "medical emergency" means[+]

15 [~~(1)~~] a condition exists that, in a physician's good  
16 faith clinical judgment, complicates the medical condition of the  
17 pregnant woman and necessitates the immediate abortion of her  
18 pregnancy to avert her death or to avoid a serious risk of  
19 substantial impairment of a major bodily function[~~, or~~

20 [~~(2) the fetus has a severe fetal abnormality~~].

21 SECTION 12. Section 164.052(a), Occupations Code, is  
22 amended to read as follows:

23 (a) A physician or an applicant for a license to practice  
24 medicine commits a prohibited practice if that person:

25 (1) submits to the board a false or misleading  
26 statement, document, or certificate in an application for a  
27 license;

1           (2) presents to the board a license, certificate, or  
2 diploma that was illegally or fraudulently obtained;

3           (3) commits fraud or deception in taking or passing an  
4 examination;

5           (4) uses alcohol or drugs in an intemperate manner  
6 that, in the board's opinion, could endanger a patient's life;

7           (5) commits unprofessional or dishonorable conduct  
8 that is likely to deceive or defraud the public, as provided by  
9 Section [164.053](#), or injure the public;

10          (6) uses an advertising statement that is false,  
11 misleading, or deceptive;

12          (7) advertises professional superiority or the  
13 performance of professional service in a superior manner if that  
14 advertising is not readily subject to verification;

15          (8) purchases, sells, barter, or uses, or offers to  
16 purchase, sell, barter, or use, a medical degree, license,  
17 certificate, or diploma, or a transcript of a license, certificate,  
18 or diploma in or incident to an application to the board for a  
19 license to practice medicine;

20          (9) alters, with fraudulent intent, a medical license,  
21 certificate, or diploma, or a transcript of a medical license,  
22 certificate, or diploma;

23          (10) uses a medical license, certificate, or diploma,  
24 or a transcript of a medical license, certificate, or diploma that  
25 has been:

26                   (A) fraudulently purchased or issued;

27                   (B) counterfeited; or



1 (C) materially altered;

2 (11) impersonates or acts as proxy for another person  
3 in an examination required by this subtitle for a medical license;

4 (12) engages in conduct that subverts or attempts to  
5 subvert an examination process required by this subtitle for a  
6 medical license;

7 (13) impersonates a physician or permits another to  
8 use the person's license or certificate to practice medicine in  
9 this state;

10 (14) directly or indirectly employs a person whose  
11 license to practice medicine has been suspended, canceled, or  
12 revoked;

13 (15) associates in the practice of medicine with a  
14 person:

15 (A) whose license to practice medicine has been  
16 suspended, canceled, or revoked; or

17 (B) who has been convicted of the unlawful  
18 practice of medicine in this state or elsewhere;

19 (16) performs or procures a criminal abortion, aids or  
20 abets in the procuring of a criminal abortion, attempts to perform  
21 or procure a criminal abortion, or attempts to aid or abet the  
22 performance or procurement of a criminal abortion;

23 (17) directly or indirectly aids or abets the practice  
24 of medicine by a person, partnership, association, or corporation  
25 that is not licensed to practice medicine by the board;

26 (18) performs an abortion on a woman who is pregnant  
27 with a viable unborn child during the third trimester of the

1 pregnancy unless:

2 (A) the abortion is necessary to prevent the  
3 death of the woman;

4 (B) the viable unborn child has a severe,  
5 irreversible brain impairment; or

6 (C) the woman is diagnosed with a significant  
7 likelihood of suffering imminent severe, irreversible brain damage  
8 or imminent severe, irreversible paralysis;

9 (19) performs an abortion on an unemancipated minor  
10 without the written consent of the child's parent, managing  
11 conservator, or legal guardian or without a court order, as  
12 provided by Section 33.003 or 33.004, Family Code, unless the  
13 abortion is necessary due to a medical emergency, as defined by  
14 Section 171.002, Health and Safety Code;

15 (20) otherwise performs an abortion on an  
16 unemancipated minor in violation of Chapter 33, Family Code; ~~or~~

17 (21) performs or induces or attempts to perform or  
18 induce an abortion in violation of Subchapter C, Chapter 171,  
19 Health and Safety Code; or

20 (22) performs or attempts to perform an abortion or  
21 engages in other conduct in violation of Section 170.052, Health  
22 and Safety Code.

23 SECTION 13. Section 164.055(b), Occupations Code, is  
24 amended to read as follows:

25 (b) The sanctions provided by Subsection (a) are in addition  
26 to any other grounds for refusal to admit persons to examination  
27 under this subtitle or to issue a license or renew a license to

1 practice medicine under this subtitle. The criminal penalties  
2 provided by Section 165.152 do not apply to a violation of Section  
3 170.002 or 170.052, Health and Safety Code, or Subchapter C,  
4 Chapter 171, Health and Safety Code.

5 SECTION 14. Sections 171.046(c) and 285.202(a-1) and (a-2),  
6 Health and Safety Code, are repealed.

7 SECTION 15. Not later than December 1, 2017:

8 (1) the Department of State Health Services shall:

9 (A) develop the perinatal hospice care  
10 informational materials, list of perinatal hospice care providers  
11 and programs, and perinatal hospice care certification form  
12 required by Subchapter X, Chapter 161, Health and Safety Code, as  
13 added by this Act; and

14 (B) update any forms and informational materials  
15 under Subchapter B, Chapter 171, Health and Safety Code, as amended  
16 by this Act; and

17 (2) the executive commissioner of the Health and Human  
18 Services Commission shall adopt any rules necessary to implement  
19 Subchapter X, Chapter 161, Health and Safety Code, as added by this  
20 Act and Subchapter B, Chapter 171, Health and Safety Code, as  
21 amended by this Act.

22 SECTION 16. (a) Subchapter X, Chapter 161, Health and  
23 Safety Code, as added by this Act, applies only to a diagnosis of a  
24 life-threatening disability of a pregnant woman's unborn child made  
25 on or after January 1, 2018.

26 (b) The changes in law made by this Act to Chapters 170 and  
27 171, Health and Safety Code, and Chapter 164, Occupations Code,

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1 apply only to an abortion performed or other conduct that occurred  
2 on or after January 1, 2018. An abortion performed or other conduct  
3 that occurred before that date is governed by the law in effect  
4 immediately before the effective date of this Act, and that law is  
5 continued in effect for that purpose.

6 SECTION 17. This Act takes effect September 1, 2017.