

By: Farrar

H.B. No. 3718

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of certain limited service pregnancy resource centers.

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

SECTION 1. Subtitle H, Title 2, Health and Safety Code, is amended by adding Chapter 173 to read as follows:

CHAPTER 173. LIMITED SERVICE PREGNANCY RESOURCE CENTERS

Sec. 173.001. DEFINITIONS. In this chapter:

(1) "Comprehensive birth control services" means all drugs and medical devices that have been approved by the United States Food and Drug Administration for birth control.

(2) "Limited service pregnancy resource center" means an organization, including a pregnancy counseling organization, crisis pregnancy center, pregnancy care center, or pregnancy support center, that for a fee or free of charge provides pregnancy counseling or information but:

(A) does not perform abortions or make referrals to an abortion provider;

(B) does not provide or make referrals for comprehensive birth control services;

(C) is not licensed or certified by this state or the federal government to provide medical or health care services; and

(D) is not required to have a physician under

contract to provide or directly supervise all health care services provided by the organization.

Sec. 173.002. APPLICABILITY OF CHAPTER. This chapter applies only to a limited service pregnancy resource center that meets at least two of the following criteria:

(1) the center offers to pregnant women:

(A) obstetric ultrasounds;

(B) obstetric sonograms; or

(C) other prenatal care;

(2) the center offers pregnancy testing or diagnosis;

(3) the center advertises or solicits consumers to provide pregnancy-related services;

(4) the center has employees or volunteers who collect information from consumers;

(5) the center has employees or volunteers who are not licensed physicians or health care practitioners but dress in clothing typically associated with a physician or nurse; or

(6) the center has an examination table.

Sec. 173.003. DISCLOSURE OF CERTAIN HEALTH CARE INFORMATION. A limited service pregnancy resource center may not disclose to a third party health care information about a person who receives or inquires about receiving services from the center.

Sec. 173.004. PROHIBITED CONDUCT. A limited service pregnancy resource center may not publish in any medium, including a newspaper, magazine, pamphlet, billboard, Internet website, or other publication, or otherwise disseminate information that the center knows or should have known:

1 (1) is false or misleading; or

2 (2) omits a material fact about the services offered
3 or intended to be offered by the center.

4 Sec. 173.005. VIOLATION; CIVIL PENALTY. (a) A limited
5 service pregnancy resource center that violates this chapter is
6 liable to the state for a civil penalty of not less than \$250 but not
7 more than \$20,000 for each violation. The amount shall be based on:

8 (1) the seriousness of the violation, including the
9 nature, circumstances, extent, and duration of the violation, and
10 the good faith of the limited service pregnancy resource center;

11 (2) the history of previous violations;

12 (3) the amount necessary to deter a future violation;
13 and

14 (4) any other matter that justice may require.

15 (b) The attorney general or a district or county attorney of
16 the county in which any part of the violation is alleged to have
17 occurred may sue in the name of the state to collect a civil penalty
18 under this section. The suit must be brought in Travis County or
19 the county in which any part of the violation is alleged to have
20 occurred. In the suit the attorney general or a district or county
21 attorney may recover reasonable expenses incurred in obtaining the
22 penalty, including investigation and court costs and reasonable
23 attorney's fees.

24 (c) The penalties provided by this section are in addition
25 to any other penalty provided by law, including Chapter 17,
26 Business & Commerce Code.

27 (d) Penalties collected under this section shall be

1 deposited in a fund established by the commission for providing
2 grants to human trafficking victims in this state. The fund is a
3 trust fund held outside the treasury by the comptroller and
4 administered by the commission.

5 Sec. 173.006. DECEPTIVE TRADE PRACTICE. A violation of
6 Section 173.004 is actionable by a consumer as a deceptive trade
7 practice under Subchapter E, Chapter 17, Business & Commerce Code.

8 SECTION 2. This Act takes effect September 1, 2017.