

By: Cook, Morrison, et al.

H.B. No. 3771

A BILL TO BE ENTITLED

AN ACT

relating to the definition of abortion.

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

SECTION 1. Section 33.001(1), Family Code, is amended to read as follows:

(1) "Abortion" has the meaning assigned by Section 245.002, Health and Safety Code [~~means the use of any means to terminate the pregnancy of a female known by the attending physician to be pregnant, with the intention that the termination of the pregnancy by those means will with reasonable likelihood cause the death of the fetus~~]. This definition, as applied in this chapter, [~~applies only to an unemancipated minor known by the attending physician to be pregnant and~~] may not be construed to limit a minor's access to contraceptives.

SECTION 2. Section 161.006(b), Family Code, is amended to read as follows:

(b) In this code, "abortion" has the meaning assigned by Section 245.002, Health and Safety Code [~~means an intentional expulsion of a human fetus from the body of a woman induced by any means for the purpose of causing the death of the fetus~~].

SECTION 3. Section 170.001(1), Health and Safety Code, is amended to read as follows:

(1) "Abortion" has the meaning assigned by Section 245.002 [~~means an act involving the use of an instrument, medicine,~~

1 ~~drug, or other substance or device developed to terminate the~~  
2 ~~pregnancy of a woman if the act is done with an intention other than~~  
3 ~~to:~~

4 ~~[(A) increase the probability of a live birth of~~  
5 ~~the unborn child of the woman,~~

6 ~~[(B) preserve the life or health of the child, or~~

7 ~~[(C) remove a dead fetus].~~

8 SECTION 4. Section 171.002(1), Health and Safety Code, is  
9 amended to read as follows:

10 (1) "Abortion" has the meaning assigned by Section  
11 245.002 ~~[means the use of any means to terminate the pregnancy of a~~  
12 ~~female known by the attending physician to be pregnant with the~~  
13 ~~intention that the termination of the pregnancy by those means~~  
14 ~~will, with reasonable likelihood, cause the death of the fetus].~~

15 SECTION 5. Section 171.061(1), Health and Safety Code, is  
16 amended to read as follows:

17 (1) "Abortion" has the meaning assigned by Section  
18 245.002. This definition, as applied in this subchapter, may not be  
19 construed to apply to an act done with the intent to ~~[means the act~~  
20 ~~of using, administering, prescribing, or otherwise providing an~~  
21 ~~instrument, a drug, a medicine, or any other substance, device, or~~  
22 ~~means with the intent to terminate a clinically diagnosable~~  
23 ~~pregnancy of a woman and with knowledge that the termination by~~  
24 ~~those means will, with reasonable likelihood, cause the death of~~  
25 ~~the woman's unborn child. An act is not an abortion if the act is~~  
26 ~~done with the intent to:~~

27 ~~[(A) save the life or preserve the health of an~~

1 ~~unborn child;~~

2 ~~[(B) remove a dead, unborn child whose death was~~  
3 ~~caused by spontaneous abortion;~~

4 ~~[(C) remove an ectopic pregnancy; or~~

5 ~~[(D)]~~ treat a maternal disease or illness for  
6 which a prescribed drug, medicine, or other substance is indicated.

7 SECTION 6. Section 245.002(1), Health and Safety Code, is  
8 amended to read as follows:

9 (1) "Abortion" means the act of using or prescribing  
10 an instrument, a drug, a medicine, or any other substance, device,  
11 or means with the intent to cause the death of an unborn child of a  
12 woman known to be pregnant ~~[an act or procedure performed after~~  
13 ~~pregnancy has been medically verified and with the intent to cause~~  
14 ~~the termination of a pregnancy other than for the purpose of either~~  
15 ~~the birth of a live fetus or removing a dead fetus]. The term does~~  
16 not include birth control devices or oral contraceptives. An act is  
17 not an abortion if the act is done with the intent to:

18 (A) save the life or preserve the health of an  
19 unborn child;

20 (B) remove a dead, unborn child whose death was  
21 caused by spontaneous abortion; or

22 (C) remove an ectopic pregnancy.

23 SECTION 7. 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 September 1, 2017.