

1-1 By: Cook, et al. (Senate Sponsor - Buckingham) H.B. No. 3771  
 1-2 (In the Senate - Received from the House May 15, 2017;  
 1-3 May 15, 2017, read first time and referred to Committee on Health &  
 1-4 Human Services; May 19, 2017, reported favorably by the following  
 1-5 vote: Yeas 5, Nays 3; May 19, 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 the definition of abortion.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Section 33.001(1), Family Code, is amended to  
 1-22 read as follows:

1-23 (1) "Abortion" has the meaning assigned by Section  
 1-24 245.002, Health and Safety Code ~~[means the use of any means to~~  
 1-25 ~~terminate the pregnancy of a female known by the attending~~  
 1-26 ~~physician to be pregnant, with the intention that the termination~~  
 1-27 ~~of the pregnancy by those means will with reasonable likelihood~~  
 1-28 ~~cause the death of the fetus].~~ This definition, as applied in this  
 1-29 chapter, ~~[applies only to an unemancipated minor known by the~~  
 1-30 ~~attending physician to be pregnant and]~~ may not be construed to  
 1-31 limit a minor's access to contraceptives.

1-32 SECTION 2. Section 161.006(b), Family Code, is amended to  
 1-33 read as follows:

1-34 (b) In this code, "abortion" has the meaning assigned by  
 1-35 Section 245.002, Health and Safety Code ~~[means an intentional~~  
 1-36 ~~expulsion of a human fetus from the body of a woman induced by any~~  
 1-37 ~~means for the purpose of causing the death of the fetus].~~

1-38 SECTION 3. Section 170.001(1), Health and Safety Code, is  
 1-39 amended to read as follows:

1-40 (1) "Abortion" has the meaning assigned by Section  
 1-41 245.002 ~~[means an act involving the use of an instrument, medicine,~~  
 1-42 ~~drug, or other substance or device developed to terminate the~~  
 1-43 ~~pregnancy of a woman if the act is done with an intention other than~~  
 1-44 ~~to:~~

1-45 ~~[(A) increase the probability of a live birth of~~  
 1-46 ~~the unborn child of the woman;~~

1-47 ~~[(B) preserve the life or health of the child; or~~

1-48 ~~[(C) remove a dead fetus].~~

1-49 SECTION 4. Section 171.002(1), Health and Safety Code, is  
 1-50 amended to read as follows:

1-51 (1) "Abortion" has the meaning assigned by Section  
 1-52 245.002 ~~[means the use of any means to terminate the pregnancy of a~~  
 1-53 ~~female known by the attending physician to be pregnant with the~~  
 1-54 ~~intention that the termination of the pregnancy by those means~~  
 1-55 ~~will, with reasonable likelihood, cause the death of the fetus].~~

1-56 SECTION 5. Section 171.061(1), Health and Safety Code, is  
 1-57 amended to read as follows:

1-58 (1) "Abortion" has the meaning assigned by Section  
 1-59 245.002. This definition, as applied in this subchapter, may not be  
 1-60 construed to apply to an act done with the intent to ~~[means the act~~  
 1-61 ~~of using, administering, prescribing, or otherwise providing an~~

2-1 ~~instrument, a drug, a medicine, or any other substance, device, or~~  
2-2 ~~means with the intent to terminate a clinically diagnosable~~  
2-3 ~~pregnancy of a woman and with knowledge that the termination by~~  
2-4 ~~those means will, with reasonable likelihood, cause the death of~~  
2-5 ~~the woman's unborn child. An act is not an abortion if the act is~~  
2-6 ~~done with the intent to:~~

2-7 [~~(A) save the life or preserve the health of an~~  
2-8 ~~unborn child;~~

2-9 [~~(B) remove a dead, unborn child whose death was~~  
2-10 ~~caused by spontaneous abortion;~~

2-11 [~~(C) remove an ectopic pregnancy; or~~

2-12 [~~(D)~~] ~~treat a maternal disease or illness for~~  
2-13 ~~which a prescribed drug, medicine, or other substance is indicated.~~

2-14 SECTION 6. Section 245.002(1), Health and Safety Code, is  
2-15 amended to read as follows:

2-16 (1) "Abortion" means the act of using or prescribing  
2-17 an instrument, a drug, a medicine, or any other substance, device,  
2-18 or means with the intent to cause the death of an unborn child of a  
2-19 woman known to be pregnant [~~an act or procedure performed after~~  
2-20 ~~pregnancy has been medically verified and with the intent to cause~~  
2-21 ~~the termination of a pregnancy other than for the purpose of either~~  
2-22 ~~the birth of a live fetus or removing a dead fetus]. The term does~~  
2-23 ~~not include birth control devices or oral contraceptives. An act is~~  
2-24 not an abortion if the act is done with the intent to:

2-25 (A) save the life or preserve the health of an  
2-26 unborn child;

2-27 (B) remove a dead, unborn child whose death was  
2-28 caused by spontaneous abortion; or

2-29 (C) remove an ectopic pregnancy.

2-30 SECTION 7. 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 September 1, 2017.

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