

By: Campbell

S.B. No. 855

A BILL TO BE ENTITLED

1 AN ACT
2 relating to prohibiting certain transactions between a
3 governmental entity and an abortion facility or affiliate of the
4 facility.

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

6 SECTION 1. Subtitle F, Title 10, Government Code, is
7 amended by adding Chapter 2270 to read as follows:

8 CHAPTER 2270. PROHIBITED TRANSACTIONS

9 Sec. 2270.001. DEFINITIONS. In this chapter:

10 (1) "Affiliate" means a person that has a legal
11 relationship with another person that is created or governed by at
12 least one written instrument, including a certificate of formation,
13 a franchise agreement, standards of affiliation, bylaws, or a
14 license, that demonstrates:

15 (A) common ownership, management, or control;

16 (B) a franchise; or

17 (C) the granting or extension of a license or
18 other agreement that authorizes the person to use the other
19 person's brand name, trademark, service mark, or other registered
20 identification mark.

21 (2) "Elective abortion" means an abortion that is not
22 medically necessary to save the life of the pregnant female on whom
23 the abortion is performed.

24 (3) "Governmental entity" means this state, a state

1 agency in the executive, judicial, or legislative branch of state
2 government, or a political subdivision of this state.

3 (4) "Taxpayer resource transaction" means a sale,
4 purchase, lease, donation of money, goods, services, or real
5 property, or any other transaction between a governmental entity
6 and a private entity that provides to the private entity something
7 of value derived directly or indirectly from state or local tax
8 revenue, regardless of whether the governmental entity receives
9 something of value in return. The term does not include the
10 provision of basic governmental services, including fire and police
11 protection.

12 Sec. 2270.002. ABORTION PROVIDER AND AFFILIATE
13 TRANSACTIONS PROHIBITED; EXCEPTION. (a) Except as provided by
14 Subsection (b), a governmental entity may not enter into a taxpayer
15 resource transaction with an abortion facility licensed under
16 Chapter 245, Health and Safety Code, that performs elective
17 abortions or an affiliate of the facility that performs elective
18 abortions.

19 (b) This section does not apply to a taxpayer resource
20 transaction that involves a federal law that conflicts with
21 Subsection (a) as determined by the executive commissioner of the
22 Health and Human Services Commission.

23 Sec. 2270.003. INJUNCTION. (a) The attorney general may
24 bring an action in the name of the state to enjoin a violation of
25 Section 2270.002. The attorney general may recover reasonable
26 attorney's fees and costs incurred in bringing an action under this
27 subsection.

1 (b) Sovereign or governmental immunity, as applicable, of a
2 governmental entity to suit and from liability is waived to the
3 extent of liability created by Subsection (a).

4 SECTION 2. Chapter 2270, Government Code, as added by this
5 Act, applies only to a contract entered into on or after the
6 effective date of this Act.

7 SECTION 3. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2017.