

By: Hancock, Campbell

S.B. No. 1427

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. 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 health care provided by maternal-fetal medical specialists, obstetricians, neonatologists, anesthesia specialists, specialty

1 nurses, clergy, social workers, and other individuals focused on  
2 alleviating fear and ensuring the pregnant woman, her unborn child,  
3 and her family experience the life and death of the child in a  
4 supportive environment.

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

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

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

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

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

26 Sec. 161.705. HEALTH CARE PROVIDER DUTIES ON DIAGNOSIS OF  
27 UNBORN CHILD'S LIFE-THREATENING DISABILITY. A health care provider

1 who diagnoses a pregnant woman's unborn child as having a  
2 life-threatening disability shall, at the time of the diagnosis:

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

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

7 (B) the perinatal hospice care certification  
8 form described by Section 161.704; and

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

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

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

22 SECTION 2. Chapter 170, Health and Safety Code, is amended  
23 by designating Sections 170.001 and 170.002 as Subchapter A and  
24 adding a subchapter heading to read as follows:

25 SUBCHAPTER A. GENERAL PROVISIONS; POST-VIABILITY ABORTION

26 PROHIBITED

27 SECTION 3. Sections 170.002(b) and (c), Health and Safety

1 Code, are amended to read as follows:

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

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

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

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

13 (c) A physician who performs an abortion that, according to  
14 the physician's best medical judgment at the time of the abortion,  
15 is to abort a viable unborn child during the third trimester of the  
16 pregnancy shall certify in writing to the department, on a form  
17 prescribed by the department, the medical indications supporting  
18 the physician's judgment that the abortion was authorized by  
19 Subsection (b) [~~(b)(2) or (3)~~]. The certification must be made not  
20 later than the 30th day after the date the abortion was performed.

21 SECTION 4. Chapter 170, Health and Safety Code, is amended  
22 by adding Subchapter B to read as follows:

23 SUBCHAPTER B. DISCRIMINATORY ABORTION PROHIBITED

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

26 (1) having a physical or mental impairment that would  
27 substantially limit one or more of an individual's major life

1 activities; or

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

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

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

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

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

19 (b) A physician who violates Section 170.052 commits an  
20 offense. An offense under this subsection is a Class A misdemeanor.

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

25 Sec. 170.054. ADMINISTRATIVE PENALTY. A physician who  
26 violates Section 170.052 engages in unprofessional conduct for  
27 which the physician's license may be suspended or revoked under

1 Chapter 164, Occupations Code.

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

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

6 (2) the father of an unborn child for an abortion  
7 performed or attempted on a pregnant woman in violation of Section  
8 170.052, unless the woman's pregnancy resulted from the father's  
9 criminal conduct; or

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

15 (b) A person who brings an action under this section may  
16 obtain:

17 (1) injunctive relief;

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

19 (A) actual damages for all psychological,  
20 emotional, and physical injuries resulting from the violation of  
21 Section 170.052;

22 (B) court costs; and

23 (C) reasonable attorney's fees; or

24 (3) both injunctive relief and damages.

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

27 (1) in a district court in the county in which the

1 woman on whom an abortion was performed or attempted in violation of  
2 Section 170.052 resides; and

3 (2) not later than the sixth anniversary of the date  
4 the abortion was performed or attempted in violation of Section  
5 170.052.

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

8 SECTION 5. Section 171.012, Health and Safety Code, is  
9 amended by amending Subsection (a) and adding Subsections (f) and  
10 (g) to read as follows:

11 (a) Consent to an abortion is voluntary and informed only  
12 if:

13 (1) the physician who is to perform the abortion  
14 informs the pregnant woman on whom the abortion is to be performed  
15 of:

16 (A) the physician's name;

17 (B) the particular medical risks associated with  
18 the particular abortion procedure to be employed, including, when  
19 medically accurate:

20 (i) the risks of infection and hemorrhage;

21 (ii) the potential danger to a subsequent  
22 pregnancy and of infertility; and

23 (iii) the possibility of increased risk of  
24 breast cancer following an induced abortion and the natural  
25 protective effect of a completed pregnancy in avoiding breast  
26 cancer;

27 (C) the probable gestational age of the unborn

1 child at the time the abortion is to be performed; ~~and~~

2 (D) the medical risks associated with carrying  
3 the child to term; and

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

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

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

13 (B) the father is liable for assistance in the  
14 support of the child without regard to whether the father has  
15 offered to pay for the abortion; and

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

20 (3) the physician who is to perform the abortion or the  
21 physician's agent:

22 (A) provides the pregnant woman with the printed  
23 materials described by Section [171.014](#); and

24 (B) informs the pregnant woman that those  
25 materials:

26 (i) have been provided by the Department of  
27 State Health Services;



1 (ii) are accessible on an Internet website  
2 sponsored by the department;

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

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

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

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

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

21 (C) the physician who is to perform the abortion  
22 provides, in a manner understandable to a layperson, a verbal  
23 explanation of the results of the sonogram images, including a  
24 medical description of the dimensions of the embryo or fetus, the  
25 presence of cardiac activity, and the presence of external members  
26 and internal organs; and

27 (D) the physician who is to perform the abortion

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

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

12 "ABORTION AND SONOGRAM ELECTION

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

17 (2) I UNDERSTAND THE NATURE AND CONSEQUENCES OF  
18 AN ABORTION.

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

21 (4) I UNDERSTAND THAT I HAVE THE OPTION TO VIEW  
22 THE SONOGRAM IMAGES.

23 (5) I UNDERSTAND THAT I HAVE THE OPTION TO HEAR  
24 THE HEARTBEAT.

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

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

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

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

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

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

21           I CERTIFY THAT, BECAUSE I CURRENTLY LIVE 100  
22           MILES OR MORE FROM THE NEAREST ABORTION PROVIDER THAT  
23           IS A FACILITY LICENSED UNDER CHAPTER 245, TEXAS HEALTH  
24           AND SAFETY CODE, OR A FACILITY THAT PERFORMS MORE THAN  
25           50 ABORTIONS IN ANY 12-MONTH PERIOD, I WAIVE THE  
26           REQUIREMENT TO WAIT 24 HOURS AFTER THE SONOGRAM IS  
27           PERFORMED BEFORE RECEIVING THE ABORTION PROCEDURE. MY

1 PLACE OF RESIDENCE IS:\_\_\_\_\_.

2 \_\_\_\_\_

3 SIGNATURE DATE";

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

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

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

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

21 (2) provide the pregnant woman with a written copy of:

22 (A) the perinatal hospice care informational  
23 materials and list of the perinatal hospice care providers and  
24 programs described by Section 161.703; and

25 (B) the perinatal hospice care certification  
26 form described by Section 161.704.

27 (g) If a pregnant woman described by Subsection (f), after

1 receiving from the physician who is to perform the abortion the  
2 perinatal hospice care informational materials and certification  
3 form described by that subsection in the manner required by that  
4 subsection, chooses to have an abortion instead of continuing the  
5 pregnancy in perinatal hospice care, the physician may perform the  
6 abortion only after:

7 (1) the pregnant woman signs the certification form;

8 and

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

11 SECTION 6. Section 171.0121, Health and Safety Code, is  
12 amended to read as follows:

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

18 (b) A copy of the signed, written certification required  
19 under Sections 171.012(a)(5) and (6) and of any signed, written  
20 certification required under Section 161.704 shall be retained by  
21 the facility where the abortion is performed until:

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

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

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

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

1 SECTION 7. Section 171.0122(d), Health and Safety Code, is  
2 amended to read as follows:

3 (d) A pregnant woman may choose not to receive the verbal  
4 explanation of the results of the sonogram images under Section  
5 171.012(a)(4)(C) if:

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

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

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

18 SECTION 8. Section 171.014(a), Health and Safety Code, is  
19 amended to read as follows:

20 (a) The department shall publish informational materials  
21 that include:

22 (1) the information required to be provided under  
23 Sections 171.012(a)(1)(B), ~~[and]~~ (D), and (E) and (a)(2)(A), (B),  
24 and (C); and

25 (2) the materials required by Sections 161.703,  
26 171.015, and 171.016.

27 SECTION 9. Section 171.042, Health and Safety Code, is

1 amended to read as follows:

2           Sec. 171.042. DEFINITION [~~DEFINITIONS~~].           In    this  
3 subchapter, [+]

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

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

9           SECTION 10. Section 285.202(a), Health and Safety Code, is  
10 amended to read as follows:

11           (a) In this section, "medical emergency" means~~[+]~~  
12           ~~[(1)]~~ a condition exists that, in a physician's good  
13 faith clinical judgment, complicates the medical condition of the  
14 pregnant woman and necessitates the immediate abortion of her  
15 pregnancy to avert her death or to avoid a serious risk of  
16 substantial impairment of a major bodily function~~[+ or~~  
17           ~~[(2) the fetus has a severe fetal abnormality]~~.

18           SECTION 11. Section 164.052(a), Occupations Code, is  
19 amended to read as follows:

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

22           (1) submits to the board a false or misleading  
23 statement, document, or certificate in an application for a  
24 license;

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

27           (3) commits fraud or deception in taking or passing an

1 examination;

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

4 (5) commits unprofessional or dishonorable conduct  
5 that is likely to deceive or defraud the public, as provided by  
6 Section 164.053, or injure the public;

7 (6) uses an advertising statement that is false,  
8 misleading, or deceptive;

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

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

17 (9) alters, with fraudulent intent, a medical license,  
18 certificate, or diploma, or a transcript of a medical license,  
19 certificate, or diploma;

20 (10) uses a medical license, certificate, or diploma,  
21 or a transcript of a medical license, certificate, or diploma that  
22 has been:

23 (A) fraudulently purchased or issued;

24 (B) counterfeited; or

25 (C) materially altered;

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



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

4           (13) impersonates a physician or permits another to  
5 use the person's license or certificate to practice medicine in  
6 this state;

7           (14) directly or indirectly employs a person whose  
8 license to practice medicine has been suspended, canceled, or  
9 revoked;

10           (15) associates in the practice of medicine with a  
11 person:

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

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

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

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

23           (18) performs an abortion on a woman who is pregnant  
24 with a viable unborn child during the third trimester of the  
25 pregnancy unless:

26                   (A) the abortion is necessary to prevent the  
27 death of the woman;

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

3 (C) the woman is diagnosed with a significant  
4 likelihood of suffering imminent severe, irreversible brain damage  
5 or imminent severe, irreversible paralysis;

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

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

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

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

20 SECTION 12. Section 164.055(b), Occupations Code, is  
21 amended to read as follows:

22 (b) The sanctions provided by Subsection (a) are in addition  
23 to any other grounds for refusal to admit persons to examination  
24 under this subtitle or to issue a license or renew a license to  
25 practice medicine under this subtitle. The criminal penalties  
26 provided by Section 165.152 do not apply to a violation of Section  
27 170.002 or 170.052, Health and Safety Code, or Subchapter C,

1 Chapter 171, Health and Safety Code.

2 SECTION 13. Sections 171.046(c) and 285.202(a-1) and (a-2),  
3 Health and Safety Code, are repealed.

4 SECTION 14. Not later than December 1, 2017:

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

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

11 (B) update any forms and informational materials  
12 under Subchapter B, Chapter 171, Health and Safety Code, as amended  
13 by this Act; and

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

19 SECTION 15. (a) Subchapter X, Chapter 161, Health and  
20 Safety Code, as added by this Act, applies only to a diagnosis of a  
21 life-threatening disability of a pregnant woman's unborn child made  
22 on or after January 1, 2018.

23 (b) The changes in law made by this Act to Chapters 170 and  
24 171, Health and Safety Code, and Chapter 164, Occupations Code,  
25 apply only to an abortion performed or other conduct that occurred  
26 on or after January 1, 2018. An abortion performed or other conduct  
27 that occurred before that date is governed by the law in effect

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1 immediately before the effective date of this Act, and that law is  
2 continued in effect for that purpose.

3 SECTION 16. This Act takes effect September 1, 2017.