

BILL ANALYSIS

Senate Research Center

S.B. 22
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State Affairs
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

While the legislature largely removed state funding from Planned Parenthood and abortion providers in 2011, that decision did not impact transactions made by political subdivisions at the local level. This bill seeks to correct that by prohibiting taxpayer dollars at both the state and local level from being used to fund abortion facilities and affiliates.

S.B. 22 prevents the state and political subdivisions from using taxpayer dollars to fund abortion providers and their affiliates, with exemptions for certain hospitals, physician offices, and residency programs. This bill allows the Texas attorney general to issue an injunction on transactions between non-compliant governmental entities and abortion providers and affiliates and recover reasonable attorneys fees and costs incurred.

As proposed, S.B. 22 amends current law relating to prohibiting certain transactions between a governmental entity and an abortion provider or affiliate of the provider.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subtitle F, Title 10, Government Code, by adding Chapter 2271, as follows:

CHAPTER 2271. PROHIBITED TRANSACTIONS

Sec. 2271.001. DEFINITIONS. (a) Defines "abortion," "abortion provider," "affiliate," "governmental entity," and "taxpayer resource transaction."

Sec. 2271.002. APPLICABILITY. (a) Provides that this chapter does not apply to:

- (1) a hospital licensed under Chapter 241 (Hospitals), Health and Safety Code;
- (2) the office of a physician licensed under Subtitle B (Physicians), Title 3 (Health Professionals), Occupations Code, that performs 50 or fewer abortions in any 12-month period;
- (3) a state hospital as defined by Section 552.0011 (Definitions), Health and Safety Code;
- (4) a teaching hospital of a public or private institution of higher education; or
- (5) an accredited residency program providing training to resident physicians.

(b) Provides that, for purposes of this chapter, a facility is not considered to be an abortion provider solely based on the performance of an abortion at the facility during a medical emergency as defined by Section 171.002 (Definitions), Health and Safety Code.

Sec. 2271.003. ABORTION PROVIDER AND AFFILIATE TRANSACTIONS PROHIBITED; EXCEPTION. (a) Prohibits a governmental entity, except as provided by Subsection (b), from entering into a taxpayer resource transaction or contracting with an abortion provider or an affiliate of an abortion provider.

(b) Provides that this section does not apply to a taxpayer resource transaction involving a federal law that conflicts with Subsection (a) as determined by the executive commissioner of the Health and Human Services Commission and confirmed in writing by the Texas attorney general (attorney general).

Sec. 2271.004. INJUNCTION; WAIVER OF IMMUNITY. (a) Authorizes the attorney general to bring an action in the name of the state to enjoin a violation of Section 2271.003. Authorizes the attorney general to recover reasonable attorney's fees and costs incurred in bringing an action under this subsection.

(b) Provides that sovereign or governmental immunity, as applicable, of a governmental entity to suit and from liability is waived to the extent of liability created by Subsection (a).

SECTION 2. Makes application of Chapter 2271, Government Code, as added by this Act, prospective.

SECTION 3. Effective date: upon passage or the 91st day after the last day of the legislative session.