

By: Kacal

H.B. No. 2735

A BILL TO BE ENTITLED

AN ACT

relating to professional liability insurance or bond for certain physicians performing or inducing an abortion; creating a criminal offense.

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

SECTION 1. Subchapter A, Chapter 171, Health and Safety Code, is amended by adding Section 171.0035 to read as follows:

Sec. 171.0035. LIABILITY INSURANCE OR BOND REQUIRED; CRIMINAL OFFENSE. (a) A physician performing or inducing an abortion shall maintain professional liability insurance in an amount of at least \$1 million for each occurrence or file with the commission a bond in an amount of at least \$1 million if the physician performed or induced an average of five or more abortions per month during the preceding calendar year and:

(1) at least twice during the preceding seven calendar years was the subject of a civil action arising from an abortion performed or induced by the physician;

(2) during the preceding seven calendar years has been disciplined by the Texas Medical Board for unprofessional, unethical, or negligent conduct arising from an abortion performed or induced by the physician; or

(3) is employed by or owns an abortion facility licensed under Chapter 245 that the commission determines has continued to violate that chapter or a rule adopted under that

1 chapter after an initial inspection identified the violation.

2 (b) The insurance or bond required by this section must be
3 payable to a woman who incurred damages as a result of a
4 complication from an abortion performed or induced by the physician
5 who is insured or filed the bond.

6 (c) A physician who is not in compliance with this section
7 may not perform or induce an abortion.

8 (d) A physician who violates this section commits an
9 offense. An offense under this section is a Class A misdemeanor
10 punishable by a fine only, in an amount not to exceed \$4,000.

11 SECTION 2. The change in law made by this Act applies only
12 to an abortion performed or induced on or after January 1, 2020.

13 SECTION 3. This Act takes effect September 1, 2019.