

By: Swanson

H.B. No. 4526

A BILL TO BE ENTITLED

AN ACT

relating to civil liability for performing certain abortions;  
providing civil penalties.

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

SECTION 1. Section 71.002, Civil Practice and Remedies Code, is amended by adding Subsection (f) to read as follows:

(f) A person is liable for damages arising from a violation of Section 170.002(a), 171.043, 171.044, 171.102, or 171.152, Health and Safety Code.

SECTION 2. Section 71.004(b), Civil Practice and Remedies Code, is amended to read as follows:

(b) The surviving spouse, children, and parents of the deceased may bring the action or one or more of those individuals may bring the action for the benefit of all. A next friend may bring an action for damages under Section 71.002(f).

SECTION 3. Chapter 170, Health and Safety Code, is amended by adding Section 170.003 to read as follows:

Sec. 170.003. CIVIL PENALTY. (a) A person who violates Section 170.002(a) is liable to this state for a civil penalty of \$30,000 for each violation.

(b) The attorney general may sue to collect the penalty.

(c) The attorney general shall file an action under this section in a district court in Travis County or the county in which the violation occurred.

1       (d) The attorney general may recover reasonable expenses  
2 incurred in obtaining a civil penalty under this section, including  
3 court costs, attorney's fees, investigative costs, witness fees,  
4 and deposition expenses.

5       SECTION 4. Subchapter C, Chapter 171, Health and Safety  
6 Code, is amended by adding Section 171.049 to read as follows:

7       Sec. 171.049. CIVIL PENALTY. (a) A person who violates  
8 Section 171.043 or 171.044 is liable to this state for a civil  
9 penalty of \$30,000 for each violation.

10       (b) The attorney general may sue to collect the penalty.

11       (c) The attorney general shall file an action under this  
12 section in a district court in Travis County or the county in which  
13 the violation occurred.

14       (d) The attorney general may recover reasonable expenses  
15 incurred in obtaining a civil penalty under this section, including  
16 court costs, attorney's fees, investigative costs, witness fees,  
17 and deposition expenses.

18       SECTION 5. Subchapter F, Chapter 171, Health and Safety  
19 Code, is amended by adding Section 171.1045 to read as follows:

20       Sec. 171.1045. CIVIL PENALTY. (a) A person who violates  
21 Section 171.102 is liable to this state for a civil penalty of  
22 \$30,000 for each violation.

23       (b) The attorney general may sue to collect the penalty.

24       (c) The attorney general shall file an action under this  
25 section in a district court in Travis County or the county in which  
26 the violation occurred.

27       (d) The attorney general may recover reasonable expenses

1 incurred in obtaining a civil penalty under this section, including  
2 court costs, attorney's fees, investigative costs, witness fees,  
3 and deposition expenses.

4 SECTION 6. Subchapter G, Chapter 171, Health and Safety  
5 Code, is amended by adding Section 171.1535 to read as follows:

6 Sec. 171.1535. CIVIL PENALTY. (a) A person who violates  
7 Section 171.152 is liable to this state for a civil penalty of  
8 \$30,000 for each violation.

9 (b) The attorney general may sue to collect the penalty.

10 (c) The attorney general shall file an action under this  
11 section in a district court in Travis County or the county in which  
12 the violation occurred.

13 (d) The attorney general may recover reasonable expenses  
14 incurred in obtaining a civil penalty under this section, including  
15 court costs, attorney's fees, investigative costs, witness fees,  
16 and deposition expenses.

17 SECTION 7. The change in law made by this Act applies only  
18 to a cause of action that accrues on or after the effective date of  
19 this Act. A cause of action that accrues before the effective date  
20 of this Act is governed by the law applicable to the cause of action  
21 immediately before that date, and that law is continued in effect  
22 for that purpose.

23 SECTION 8. The change in law made by this Act applies only  
24 to an abortion performed on or after the effective date of this Act.  
25 An abortion performed before the effective date of this Act is  
26 governed by the law in effect immediately before the effective date  
27 of this Act, and the former law is continued in effect for that

1 purpose.

2 SECTION 9. This Act takes effect September 1, 2019.