

By: Hall

S.B. No. 1027

A BILL TO BE ENTITLED

AN ACT

relating to sonogram requirements for a pregnant minor seeking an abortion.

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

SECTION 1. Section 171.012(a), Health and Safety Code, is amended to read as follows:

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

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

(A) the physician's name;

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

(i) the risks of infection and hemorrhage;

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

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

(C) the probable gestational age of the unborn child at the time the abortion is to be performed; and

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

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

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

7 (B) the father is liable for assistance in the
8 support of the child without regard to whether the father has
9 offered to pay for the abortion; and

10 (C) public and private agencies provide
11 pregnancy prevention counseling and medical referrals for
12 obtaining pregnancy prevention medications or devices, including
13 emergency contraception for victims of rape or incest;

14 (3) the physician who is to perform the abortion or the
15 physician's agent:

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

18 (B) informs the pregnant woman that those
19 materials:

20 (i) have been provided by the Department of
21 State Health Services;

22 (ii) are accessible on an Internet website
23 sponsored by the department;

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

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

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

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

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

15 (C) the physician who is to perform the abortion
16 provides, in a manner understandable to a layperson, a verbal
17 explanation of the results of the sonogram images, including a
18 medical description of the dimensions of the embryo or fetus, the
19 presence of cardiac activity, and the presence of external members
20 and internal organs; and

21 (D) the physician who is to perform the abortion
22 or an agent of the physician who is also a sonographer certified by
23 a national registry of medical sonographers makes audible the heart
24 auscultation for the pregnant woman to hear, if present, in a
25 quality consistent with current medical practice and provides, in a
26 manner understandable to a layperson, a simultaneous verbal
27 explanation of the heart auscultation;

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

6 "ABORTION AND SONOGRAM ELECTION

7 (1) THE INFORMATION AND PRINTED MATERIALS
8 DESCRIBED BY SECTIONS 171.012(a)(1)-(3), TEXAS HEALTH
9 AND SAFETY CODE, HAVE BEEN PROVIDED AND EXPLAINED TO
10 ME.

11 (2) I UNDERSTAND THE NATURE AND CONSEQUENCES OF
12 AN ABORTION.

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

15 (4) I UNDERSTAND THAT I HAVE THE OPTION TO VIEW
16 THE SONOGRAM IMAGES.

17 (5) I UNDERSTAND THAT I HAVE THE OPTION TO HEAR
18 THE HEARTBEAT.

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

22 ___ I AM PREGNANT AS A RESULT OF A SEXUAL ASSAULT,
23 INCEST, OR OTHER VIOLATION OF THE TEXAS PENAL CODE THAT
24 HAS BEEN REPORTED TO LAW ENFORCEMENT AUTHORITIES OR
25 THAT HAS NOT BEEN REPORTED BECAUSE I REASONABLY
26 BELIEVE THAT DOING SO WOULD PUT ME AT RISK OF
27 RETALIATION RESULTING IN SERIOUS BODILY INJURY.

~~[I AM A MINOR AND OBTAINING AN ABORTION IN ACCORDANCE WITH JUDICIAL BYPASS PROCEDURES UNDER CHAPTER 33, TEXAS FAMILY CODE.]~~

MY FETUS HAS AN IRREVERSIBLE MEDICAL CONDITION OR ABNORMALITY, AS IDENTIFIED BY RELIABLE DIAGNOSTIC PROCEDURES AND DOCUMENTED IN MY MEDICAL FILE.

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

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

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

SIGNATURE DATE";

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

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

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

6 (d) A pregnant woman may choose not to receive the verbal
7 explanation of the results of the sonogram images under Section
8 171.012(a)(4)(C) if:

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

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

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

21 SECTION 3. The change in law made by this Act applies only
22 to an abortion performed on or after the effective date of this Act.
23 An abortion performed before the effective date of this Act is
24 governed by the law in effect on the date the abortion is performed,
25 and that law continues in effect for that purpose.

26 SECTION 4. This Act takes effect September 1, 2019.