

By: Paxton, et al.

S.B. No. 2243

A BILL TO BE ENTITLED

AN ACT

relating to required counseling before an abortion is performed.

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

SECTION 1. Subchapter B, Chapter 171, Health and Safety Code, is amended by adding Section 171.01205 to read as follows:

Sec. 171.01205. PRE-ABORTION COUNSELING REQUIRED. (a) In addition to the informed consent requirements under Section 171.012, except during a medical emergency, and before the abortion is performed, the physician who is to perform an abortion shall certify using a unique identifying number, devoid of personally identifying information of the pregnant woman on whom the abortion is to be performed, that:

(1) the pregnant woman received pre-abortion counseling at no cost to the pregnant woman from a counselor who:

(A) meets the qualifications established by commission rule;

(B) is not employed by, is not contracted with, and does not have a pecuniary interest in a facility licensed under Chapter 245;

(C) is authorized under a contract with the commission to provide counseling services in accordance with this subsection; and

(D) provides the certification described by Subdivision (3) not later than one business day or as soon as

practicable after the date of the woman's initial appointment with the counselor;

(2) the counselor provided the pregnant woman in accordance with commission rules:

(A) medically accurate information using the informational materials described by Section 171.014;

(B) an assessment of and offer of assistance in obtaining support services other than abortion that the pregnant woman may need or be eligible for, including housing, employment, resume development, child care, medical care, adoption services, and health benefit plan coverage;

(C) education on available state and local resources to address the pregnant woman's socioeconomic needs; and

(D) screening for family violence, coercion of abortion, and human trafficking; and

(3) the counselor certified using a unique identifying number, devoid of personally identifying information of the pregnant woman, that the pregnant woman completed the counseling.

(b) A counselor described by Subsection (a) shall report to the commission de-identified demographic information obtained through counseling provided under that subsection to assist the commission in determining the supply and demand of social services in the pregnant woman's geographic region.

SECTION 2. Section 171.0121, Health and Safety Code, is amended to read as follows:

Sec. 171.0121. MEDICAL RECORD. (a) Before the abortion begins, a copy of the signed, written certification received by the

1 physician under Section 171.012(a)(6) and documentation of the
2 completed counseling required under Section 171.01205 must be
3 placed in the pregnant woman's medical records.

4 (b) A copy of the signed, written certification required
5 under Sections 171.012(a)(5) and (6) and documentation of the
6 completed counseling required under Section 171.01205 shall be
7 retained by the facility where the abortion is performed until:

8 (1) the seventh anniversary of the date it is signed;

9 or

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

11 (A) the seventh anniversary of the date it is
12 signed; or

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

14 SECTION 3. (a) Notwithstanding Section 171.01205, Health
15 and Safety Code, as added by this Act, and Section 171.0121, Health
16 and Safety Code, as amended by this Act, a physician is not required
17 to comply with the changes in law made by this Act before March 1,
18 2021.

19 (b) Not later than December 1, 2020, the executive
20 commissioner of the Health and Human Services Commission shall
21 adopt rules as necessary to implement this Act.

22 (c) Not later than March 1, 2021, the Health and Human
23 Services Commission shall contract with one or more counseling
24 providers throughout the state to provide the services described by
25 Section 171.01205, Health and Safety Code, as added by this Act.

26 SECTION 4. The changes in law made by this Act apply only to
27 an abortion performed on or after March 1, 2021. An abortion

1 performed before March 1, 2021, is governed by the law applicable to
2 the abortion immediately before the effective date of this Act, and
3 that law is continued in effect for that purpose.

4 SECTION 5. It is the intent of the legislature that every
5 provision, section, subsection, sentence, clause, phrase, or word
6 in this Act, and every application of the provisions in this Act to
7 each person or entity, are severable from each other. If any
8 application of any provision in this Act to any person, group of
9 persons, or circumstances is found by a court to be invalid for any
10 reason, the remaining applications of that provision to all other
11 persons and circumstances shall be severed and may not be affected.

12 SECTION 6. The Health and Human Services Commission is
13 required to implement a provision of this Act only if the
14 legislature appropriates money specifically for that purpose. If
15 the legislature does not appropriate money specifically for that
16 purpose, the commission may, but is not required to, implement a
17 provision of this Act using other appropriations available for that
18 purpose.

19 SECTION 7. This Act takes effect September 1, 2019.