

1-1 By: Paxton, et al. S.B. No. 2243  
 1-2 (In the Senate - Filed March 8, 2019; March 21, 2019, read  
 1-3 first time and referred to Committee on Health & Human Services;  
 1-4 April 25, 2019, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 6, Nays 3; April 25, 2019,  
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14		X		
1-15		X		
1-16		X		
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 2243 By: Perry

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to required counseling before an abortion is performed.  
 1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
 1-23 SECTION 1. Subchapter B, Chapter 171, Health and Safety  
 1-24 Code, is amended by adding Section 171.01205 to read as follows:  
 1-25 Sec. 171.01205. PRE-ABORTION COUNSELING REQUIRED. (a) In  
 1-26 addition to the informed consent requirements under Section  
 1-27 171.012, except during a medical emergency, and before the abortion  
 1-28 is performed, the physician who is to perform an abortion shall  
 1-29 certify using a unique identifying number, devoid of personally  
 1-30 identifying information of the pregnant woman on whom the abortion  
 1-31 is to be performed, that:  
 1-32 (1) the pregnant woman received pre-abortion  
 1-33 counseling at no cost to the pregnant woman from a counselor who:  
 1-34 (A) meets the qualifications established by  
 1-35 commission rule;  
 1-36 (B) is not employed by, is not contracted with,  
 1-37 and does not have a pecuniary interest in a facility licensed under  
 1-38 Chapter 245; and  
 1-39 (C) is authorized under a contract with the  
 1-40 commission to provide counseling services in accordance with this  
 1-41 subsection;  
 1-42 (2) the counselor provided the pregnant woman in  
 1-43 accordance with commission rules:  
 1-44 (A) medically accurate information using the  
 1-45 informational materials described by Section 171.014;  
 1-46 (B) an assessment of and offer of assistance in  
 1-47 obtaining support services other than abortion that the pregnant  
 1-48 woman may need or be eligible for, including housing, employment,  
 1-49 resume development, child care, medical care, adoption services,  
 1-50 and health benefit plan coverage;  
 1-51 (C) education on available state and local  
 1-52 resources to address the pregnant woman's socioeconomic needs; and  
 1-53 (D) screening for family violence, coercion of  
 1-54 abortion, and human trafficking; and  
 1-55 (3) the counselor certified using a unique identifying  
 1-56 number, devoid of personally identifying information of the  
 1-57 pregnant woman, that the pregnant woman completed the counseling.  
 1-58 (b) A counselor described by Subsection (a) shall report to  
 1-59 the commission de-identified demographic information obtained  
 1-60 through counseling provided under that subsection to assist the

2-1 commission in determining the supply and demand of social services  
2-2 in the pregnant woman's geographic region.

2-3 SECTION 2. Section 171.0121, Health and Safety Code, is  
2-4 amended to read as follows:

2-5 Sec. 171.0121. MEDICAL RECORD. (a) Before the abortion  
2-6 begins, a copy of the signed, written certification received by the  
2-7 physician under Section 171.012(a)(6) and documentation of the  
2-8 completed counseling required under Section 171.01205 must be  
2-9 placed in the pregnant woman's medical records.

2-10 (b) A copy of the signed, written certification required  
2-11 under Sections 171.012(a)(5) and (6) and documentation of the  
2-12 completed counseling required under Section 171.01205 shall be  
2-13 retained by the facility where the abortion is performed until:

2-14 (1) the seventh anniversary of the date it is signed;  
2-15 or

2-16 (2) if the pregnant woman is a minor, the later of:

2-17 (A) the seventh anniversary of the date it is  
2-18 signed; or

2-19 (B) the woman's 21st birthday.

2-20 SECTION 3. (a) Notwithstanding Section 171.01205, Health  
2-21 and Safety Code, as added by this Act, and Section 171.0121, Health  
2-22 and Safety Code, as amended by this Act, a physician is not required  
2-23 to comply with the changes in law made by this Act before March 1,  
2-24 2021.

2-25 (b) Not later than December 1, 2020, the executive  
2-26 commissioner of the Health and Human Services Commission shall  
2-27 adopt rules as necessary to implement this Act.

2-28 (c) Not later than March 1, 2021, the Health and Human  
2-29 Services Commission shall contract with one or more counseling  
2-30 providers throughout the state to provide the services described by  
2-31 Section 171.01205, Health and Safety Code, as added by this Act.

2-32 SECTION 4. The changes in law made by this Act apply only to  
2-33 an abortion performed on or after March 1, 2021. An abortion  
2-34 performed before March 1, 2021, is governed by the law applicable to  
2-35 the abortion immediately before the effective date of this Act, and  
2-36 that law is continued in effect for that purpose.

2-37 SECTION 5. It is the intent of the legislature that every  
2-38 provision, section, subsection, sentence, clause, phrase, or word  
2-39 in this Act, and every application of the provisions in this Act to  
2-40 each person or entity, are severable from each other. If any  
2-41 application of any provision in this Act to any person, group of  
2-42 persons, or circumstances is found by a court to be invalid for any  
2-43 reason, the remaining applications of that provision to all other  
2-44 persons and circumstances shall be severed and may not be affected.

2-45 SECTION 6. The Health and Human Services Commission is  
2-46 required to implement a provision of this Act only if the  
2-47 legislature appropriates money specifically for that purpose. If  
2-48 the legislature does not appropriate money specifically for that  
2-49 purpose, the commission may, but is not required to, implement a  
2-50 provision of this Act using other appropriations available for that  
2-51 purpose.

2-52 SECTION 7. This Act takes effect September 1, 2019.

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