87S30152 SCL-D

By:  Menéndez, et al. S.B. No. 44

A BILL TO BE ENTITLED

AN ACT

relating to sexual assault and incest exceptions to the prohibition on abortion after the detection of a fetal heartbeat.

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

SECTION 1.  The heading to Section 171.205, Health and Safety Code, is amended to read as follows:

Sec. 171.205.  EXCEPTIONS [~~EXCEPTION FOR MEDICAL EMERGENCY~~]; RECORDS.

SECTION 2.  Section 171.205, Health and Safety Code, is amended by adding Subsections (a-1) and (b-1) and amending Subsection (c) to read as follows:

(a-1)  Sections 171.203 and 171.204 do not apply to an abortion of a pregnancy that is a result of a sexual assault in violation of Section 22.011 or 22.021, Penal Code, or of conduct constituting an offense under Section 25.02, Penal Code.

(b-1)  A physician who performs or induces an abortion described by Subsection (a-1) shall make a written notation of the exception in the pregnant woman's medical file.

(c)  A physician performing or inducing an abortion under this section shall maintain in the physician's practice records a copy of the notations made under Subsection (b) or (b-1), as applicable.

SECTION 3.  Section 171.205, Health and Safety Code, as amended by this Act, applies only to an abortion performed or induced on or after the effective date of this Act.

SECTION 4.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect on the 91st day after the last day of the legislative session.