

Amend CSSB 8 (senate committee printing) as follows:

(1) In SECTION 3 of the bill, in added Section 171.205(a), Health and Safety Code (page 2, line 55), strike "Section 171.204 does" and substitute "Sections 171.203 and 171.204 do".

(2) In SECTION 3 of the bill, in added Section 171.207(a), Health and Safety Code (page 3, line 12), strike "The" and substitute "Notwithstanding Section 171.005 or any other law, the".

(3) In SECTION 3 of the bill, in added Section 171.208(a)(1), Health and Safety Code (page 3, line 33), immediately following the underlined semicolon, strike "or".

(4) In SECTION 3 of the bill, in added Section 171.208(a)(2), Health and Safety Code (page 3, line 40), following "chapter", strike the underlined period and substitute the following:

; or

(3) intends to engage in the conduct described by Subdivision (1) or (2).

(5) In SECTION 3 of the bill, in added Section 171.208(c), Health and Safety Code (page 3, lines 53-54), strike "if the defendant demonstrates that the defendant previously paid statutory damages" and substitute the following:

in response to a violation of Subsection (a)(1) or (2) if the defendant demonstrates that the defendant previously paid the full amount of statutory damages under Subsection (b)(2)

(6) In SECTION 3 of the bill, in added Section 171.208(d), Health and Safety Code (page 3, line 59), between "Code" and the underlined comma, insert ", or any other law".

(7) In SECTION 3 of the bill, strike added Section 171.208(f), Health and Safety Code (page 4, lines 12-17), and substitute the following:

(f) It is an affirmative defense if:

(1) a person sued under Subsection (a)(2) reasonably believed, after conducting a reasonable investigation, that the physician performing or inducing the abortion had complied or would comply with this chapter; or

(2) a person sued under Subsection (a)(3) reasonably believed, after conducting a reasonable investigation, that the

physician performing or inducing the abortion will comply with this chapter.

(f-1) The defendant has the burden of proving an affirmative defense under Subsection (f)(1) or (2) by a preponderance of the evidence.

(8) In SECTION 3 of the bill, strike added Section 171.209(a)(2), Health and Safety Code (page 4, lines 43-45), and substitute the following:

(2) the defendant has standing to assert the rights of women seeking an abortion under the tests for third-party standing established by the United States Supreme Court.

(9) In SECTION 3 of the bill, in added Section 171.209(b), Health and Safety Code (page 4, line 48), strike "only".

(10) In SECTION 3 of the bill, in added Section 171.209(b)(1), Health and Safety Code (page 4, line 50), between "of" and "women", insert "a woman or group of".

(11) In SECTION 3 of the bill, in added Section 171.209(b)(2), Health and Safety Code (page 4, line 53), between "on" and "women", insert "that woman or that group of".

(12) In SECTION 3 of the bill, in added Section 171.209(c), Health and Safety Code (page 4, lines 55-62), strike "an identifiable" each time it appears and substitute "a".

(13) In SECTION 3 of the bill, immediately following added Section 171.209(e), Health and Safety Code (page 5, between lines 7 and 8), insert the following:

(f) Nothing in this section shall in any way limit or preclude a defendant from asserting the defendant's personal constitutional rights as a defense to liability under Section 171.208, and a court may not award relief under Section 171.208 if the conduct for which the defendant has been sued was an exercise of state or federal constitutional rights that personally belong to the defendant.

(14) In SECTION 3 of the bill, in added Section 171.210, Health and Safety Code (page 5, line 8), between the underlined period and "Notwithstanding", insert "(a)".

(15) In SECTION 3 of the bill, immediately after added Section 171.210, Health and Safety Code (page 5, between lines 19

and 20), insert the following:

(b) If a civil action is brought under Section 171.208 in any one of the venues described by Subsection (a), the action may not be transferred to a different venue without the written consent of all parties.

(16) In SECTION 3 of the bill, in added Section 171.212(b), Health and Safety Code (page 5, line 55), strike "remaining provisions" and substitute "remaining applications".

(17) In SECTION 3 of the bill, between added Sections 171.212(b) and (c), Health and Safety Code (page 5, between lines 58 and 59), insert the following:

(b-1) If any court declares or finds a provision of this chapter facially unconstitutional, when discrete applications of that provision can be enforced against a person, group of persons, or circumstances without violating the United States Constitution and Texas Constitution, those applications shall be severed from all remaining applications of the provision, and the provision shall be interpreted as if the legislature had enacted a provision limited to the persons, group of persons, or circumstances for which the provision's application will not violate the United States Constitution and Texas Constitution.

(18) In SECTION 3 of the bill, in added Section 171.212(e), Health and Safety Code (page 6, line 2), between "(b)," and "(c)", insert "(b-1)".

(19) In SECTION 3 of the bill, in added Section 171.212, Health and Safety Code (page 6, lines 18-31), strike added subsections (f) and (g).

(20) In SECTION 4 of the bill, in added Section 30.022(a), Civil Practice and Remedies Code (page 6, lines 38-39), strike "or any governmental entity or public official in this state" and substitute "any governmental entity or public official in this state, or any person in this state".

(21) In SECTION 4 of the bill, in added Section 30.022(d)(1), Civil Practice and Remedies Code (page 6, lines 67-68), immediately following the underlined semicolon, strike "or".

(22) In SECTION 4 of the bill, in added Section

30.022(d)(2), Civil Practice and Remedies Code (page 7, line 1), between "section" and the underlined period, insert the following:

; or

(3) the court in the underlying action held that any provisions of this section are invalid, unconstitutional, or preempted by federal law, notwithstanding the doctrines of issue or claim preclusion

(23) In SECTION 5 of the bill, in added Section 311.036(c), Government Code (page 7, line 20), strike "constitutional rights of women seeking abortions" and substitute "United States Constitution and Texas Constitution".

(24) In SECTION 5 of the bill, in added Section 311.036(c), Government Code (page 7, line 22), between "law" and the underlined period, insert the following:

, and the statute shall be interpreted as if containing language limiting the statute's application to the persons, group of persons, or circumstances for which the statute's application will not violate the United States Constitution and Texas Constitution

(25) In SECTION 7 of the bill amending Section 171.012, Health and Safety Code (page 7, lines 51-53), strike the recital and substitute the following:

SECTION 7. Section 171.012(a), Health and Safety Code, is amended to read as follows:

(26) In SECTION 7 of the bill, in amended Section 171.012(a)(4)(C), Health and Safety Code (page 8, line 51), immediately following the semicolon, strike "~~and~~" and substitute "and".

(27) In SECTION 7 of the bill, in amended Section 171.012(a)(4)(D), Health and Safety Code (page 8, line 58), following the semicolon, strike "and".

(28) In SECTION 7 of the bill, strike added Section 171.012(a)(4)(E), Health and Safety Code (page 8, lines 59-65).

(29) In SECTION 7 of the bill, strike added Section 171.012(g), Health and Safety Code (page 9, lines 50-54).

(30) In SECTION 8 of the bill, in added Section 245.011(c)(10), Health and Safety Code (page 10, line 8), immediately following the underlined semicolon, insert "and".

(31) In SECTION 8 of the bill, strike added Sections 245.011(c)(11) and (12), Health and Safety Code (page 10, lines 9-13) and substitute the following:

(11) the information required under Sections 171.008(a) and (c).

(32) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 171.005, Health and Safety Code, is amended to read as follows:

Sec. 171.005. COMMISSION [~~DEPARTMENT~~] TO ENFORCE; EXCEPTION. The commission [~~department~~] shall enforce this chapter except for Subchapter H, which shall be enforced exclusively through the private civil enforcement actions described by Section 171.208 and may not be enforced by the commission.