

BILL ANALYSIS

H.B. 1173
By: Noble
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Last session, the Texas Legislature enacted legislation prohibiting governmental entities from engaging in certain transactions with abortion providers and their affiliates that are funded with taxpayer dollars. Although this law has been successful in many respects, there are reports of some governmental entities violating the legislature's intent by providing indirect support to the abortion industry through logistical services. H.B. 1173 seeks to protect taxpayers who do not want their tax dollars to be used to facilitate abortion by prohibiting an applicable governmental entity from using taxpayer dollars to provide logistical support to assist a woman with procuring an abortion or the services of an abortion provider.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1173 amends the Government Code to prohibit a governmental entity, defined as the state, a state agency, or a political subdivision of the state, from entering into an applicable taxpayer resource transaction or appropriating or spending money to provide to any person logistical support for the express purpose of assisting a woman with procuring an abortion or the services of an abortion provider. Logistical support includes providing money for the following:

- child care;
- travel or any form of transportation to or from an abortion provider;
- lodging;
- food or food preparation;
- counseling that encourages a woman to have an abortion; and
- any other service that facilitates the provision of an abortion.

That prohibition does not apply to a taxpayer resource transaction entered into or money appropriated or spent by a governmental entity that is subject to a federal law in conflict with the prohibition, as determined by the executive commissioner of the Health and Human Services Commission and confirmed in writing by the attorney general. The bill authorizes the attorney general to bring an action in the name of the state to enjoin a violation of the prohibition and to recover reasonable attorney's fees and costs incurred in bringing such an action. The bill provides for the severability of its every provision, section, subsection, sentence, clause, phrase, or word.

EFFECTIVE DATE

September 1, 2021.