

By: Leman

H.B. No. 1229

A BILL TO BE ENTITLED

AN ACT

relating to abortion safety; authorizing an administrative penalty.

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

SECTION 1. Section 171.006(b), Health and Safety Code, as added by Chapter 4 (H.B. 13), Acts of the 85th Legislature, 1st Called Session, 2017, is amended to read as follows:

(b) The reporting requirements of this section apply only to:

(1) a physician who:

(A) performs at an abortion facility an abortion that results in an abortion complication diagnosed or treated by that physician; or

(B) diagnoses or treats ~~[at an abortion facility]~~ an abortion complication that is the result of an abortion performed by another physician ~~[at the facility]~~; or

(2) a health care facility that is a hospital, abortion facility, freestanding emergency medical care facility, or health care facility that provides emergency medical care, as defined by Section 773.003.

SECTION 2. Subchapter A, Chapter 171, Health and Safety Code, is amended by adding Section 171.008 to read as follows:

Sec. 171.008. REQUIRED FOLLOW-UP APPOINTMENT. (a) A physician who performs an abortion or gives, sells, dispenses,

1 administers, provides, or prescribes an abortion-inducing drug, as
2 defined by Section 171.061, or the physician's agent, must schedule
3 a follow-up appointment for the woman on a date not more than 14
4 days after the date the abortion is performed or the drug is
5 administered or used. At the appointment, the physician must:

6 (1) confirm the woman's pregnancy is completely
7 terminated; and

8 (2) assess any continued blood loss.

9 (b) The Texas Medical Board may take disciplinary action
10 under Chapter 164, Occupations Code, or assess an administrative
11 penalty under Subchapter A, Chapter 165, Occupations Code, against
12 a physician who violates Subsection (a).

13 (c) A penalty may not be assessed against a pregnant woman
14 who receives an abortion.

15 SECTION 3. Subdivision (3), Section 171.061, Health and
16 Safety Code, is redesignated as Subdivision (8-a), Section 171.061,
17 Health and Safety Code, and amended to read as follows:

18 (8-a) "Printed [~~(3) "Final printed~~] label" [~~or "FPL"~~]
19 means the informational document approved by the United States Food
20 and Drug Administration for an abortion-inducing drug that:

21 (A) outlines the protocol authorized by that
22 agency and agreed to by the drug company applying for authorization
23 of the drug by that agency; and

24 (B) delineates how a drug is to be used according
25 to approval by that agency.

26 SECTION 4. Sections 171.063(a), (d), and (f), Health and
27 Safety Code, are amended to read as follows:

1 (a) A person may not knowingly give, sell, dispense,
2 administer, provide, or prescribe an abortion-inducing drug to a
3 pregnant woman for the purpose of inducing an abortion in the
4 pregnant woman or enabling another person to induce an abortion in
5 the pregnant woman unless:

6 (1) the person who gives, sells, dispenses,
7 administers, provides, or prescribes the abortion-inducing drug is
8 a physician; and

9 (2) except as otherwise provided by Subsection (b),
10 the provision, prescription, or administration of the
11 abortion-inducing drug satisfies the protocol tested and
12 authorized by the United States Food and Drug Administration as
13 outlined in the [~~final~~] printed label of the abortion-inducing drug
14 as of January 1, 2021.

15 (d) The physician who gives, sells, dispenses, administers,
16 provides, or prescribes an abortion-inducing drug shall provide the
17 pregnant woman with:

18 (1) a copy of the [~~final~~] printed label of that
19 abortion-inducing drug as of January 1, 2021; and

20 (2) a telephone number by which the pregnant woman may
21 reach the physician, or other health care personnel employed by the
22 physician or by the facility at which the abortion was performed
23 with access to the woman's relevant medical records, 24 hours a day
24 to request assistance for any complications that arise from the
25 administration or use of the drug or ask health-related questions
26 regarding the administration or use of the drug.

27 (f) The physician who gives, sells, dispenses, administers,

1 provides, or prescribes the abortion-inducing drug, or the
2 physician's agent, shall make a reasonable effort to ensure that
3 the woman returns for the scheduled follow-up appointment [~~visit~~]
4 under Section 171.008 [~~Subsection (e)~~]. The physician or the
5 physician's agent shall document a brief description of any effort
6 made to comply with this subsection, including the date, time, and
7 name of the person making the effort, in the woman's medical record.

8 SECTION 5. Section 171.063(e), Health and Safety Code, is
9 repealed.

10 SECTION 6. The changes in law made by this Act apply only to
11 an abortion performed or induced on or after the effective date of
12 this Act. An abortion performed or induced before the effective
13 date of this Act is governed by the law in effect immediately before
14 the effective date of this Act, and that law is continued in effect
15 for that purpose.

16 SECTION 7. This Act takes effect September 1, 2021.