

By: Paxton, et al.

S.B. No. 802

A BILL TO BE ENTITLED

AN ACT

relating to a required resource access assistance offer before an abortion is performed.

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

SECTION 1. Subchapter B, Chapter 171, Health and Safety Code, is amended by adding Section 171.01205 to read as follows:

Sec. 171.01205. REQUIRED PRE-ABORTION RESOURCE ACCESS ASSISTANCE OFFER. (a) In addition to the informed consent requirements under Section 171.012, except during a medical emergency, and before the abortion is performed, the physician who is to perform an abortion shall confirm the pregnant woman received a pre-abortion resource access assistance offer, as required by this section, by:

(1) verifying that the unique identifying number provided to the woman as required by Subsection (d) is recorded in a secure database maintained by the commission; and

(2) documenting the pregnant woman's unique identifying number in the woman's medical record.

(b) A care agent providing a resource access assistance offer under this section:

(1) must be:

(A) licensed as a counselor, doctor, psychologist, social worker, nurse, advanced practice registered nurse, community health worker, physician's assistant, or marriage

1 and family therapist; or

2 (B) acting under the supervision of an individual
3 described by Paragraph (A);

4 (2) must not:

5 (A) have performed an abortion in the last two
6 years;

7 (B) have served as a director, board member,
8 officer, volunteer, or employee for an abortion facility licensed
9 under Chapter 245;

10 (3) may not refer women to an abortion provider,
11 recommend abortion, or take any other action that directly or
12 indirectly advises or assists a woman in obtaining an abortion;

13 (4) must be authorized under a contract with the
14 commission to provide resource access assistance offers and support
15 services on behalf of this state in accordance with this section;
16 and

17 (5) must complete a training program on identifying
18 and assisting victims of human trafficking using a standardized
19 curriculum created by the human trafficking prevention task force
20 established under Section 402.035, Government Code.

21 (c) The resource access assistance offer must be provided by
22 and on behalf of this state at no cost to the pregnant woman from a
23 care agent who meets the qualifications described by Subsection
24 (b). The care agent during a resource access assistance offer shall
25 provide:

26 (1) medically accurate information using the
27 informational materials described by Section 171.014;

1 (2) an assessment of eligibility for and offer of
2 assistance in obtaining support services other than abortion for
3 the pregnant woman or unborn child's biological father, including
4 housing, employment, resume development, child care, prenatal and
5 postpartum medical care, mental health or behavioral counselling,
6 adoption services, financial assistance, abuse or neglect
7 prevention assistance, substance or alcohol abuse prevention
8 assistance, and health benefit plan coverage;

9 (3) education on available public and private
10 resources to address the pregnant woman's or biological father's
11 socioeconomic needs; and

12 (4) screening for:

13 (A) family violence, abuse, and neglect
14 victimization;

15 (B) coercion of abortion; and

16 (C) human trafficking victimization.

17 (d) After providing the resource access assistance offer,
18 the care agent or the contracting agency that employs the care agent
19 shall:

20 (1) certify to the commission using a unique
21 identifying number, devoid of personally identifying information
22 of the pregnant woman, that the pregnant woman received the
23 resource access assistance offer; and

24 (2) provide to the pregnant woman the identifying
25 number described by Subdivision (1).

26 (e) A care agent shall report to the commission
27 de-identified demographic information obtained through a resource

1 access assistance offer provided under this section to assist the
2 commission in determining the supply and demand of social services
3 in the pregnant woman's geographic region.

4 (f) The commission shall develop and maintain on the
5 commission's Internet website a secure database to store the unique
6 identifying numbers provided under Subsection (d) and that allows
7 the care agent to submit the de-identified information required
8 under Subsection (e).

9 (g) The commission shall establish a single toll-free
10 telephone number through which a woman seeking an abortion in this
11 state may receive a resource access assistance offer on a 24-hour
12 basis. The commission must ensure the placed call automatically
13 routes the woman to a care agent at a contracting agency to provide
14 the resource access assistance offer.

15 (h) The pregnant woman:

16 (1) is not required to provide any information to the
17 care agent or agency;

18 (2) is not required to initiate or complete services
19 offered under this section in order to obtain an abortion;

20 (3) may decline services under this section at any
21 time; and

22 (4) if accepting a resource assistance offer, shall
23 have the offer available for two calendar years regardless of the
24 pregnant woman's pregnancy.

25 SECTION 2. Section [171.0121](#), Health and Safety Code, is
26 amended to read as follows:

27 Sec. 171.0121. MEDICAL RECORD. (a) Before the abortion

1 begins, a copy of the signed, written certification received by the
2 physician under Section 171.012(a)(6) and documentation of the
3 receipt of the resource access assistance offer required under
4 Section 171.01205 must be placed in the pregnant woman's medical
5 records.

6 (b) A copy of the signed, written certification required
7 under Sections 171.012(a)(5) and (6) and documentation of the
8 receipt of the resource access assistance offer required under
9 Section 171.01205 shall be retained by the facility where the
10 abortion is performed until:

11 (1) the seventh anniversary of the date it is signed;

12 or

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

14 (A) the seventh anniversary of the date it is
15 signed; or

16 (B) the woman's 21st birthday.

17 SECTION 3. (a) Notwithstanding Section 171.01205, Health
18 and Safety Code, as added by this Act, and Section 171.0121, Health
19 and Safety Code, as amended by this Act, a physician is not required
20 to comply with the changes in law made by this Act before April 1,
21 2023.

22 (b) Not later than August 31, 2022, the executive
23 commissioner of the Health and Human Services Commission shall
24 adopt rules as necessary to implement this Act.

25 (c) Not later than April 1, 2023, the Health and Human
26 Services Commission shall contract with one or more contracting
27 agencies that employ care agents throughout this state to provide

1 the pre-abortion resource access assistance offer and assistance in
2 obtaining support services described by Section 171.01205, Health
3 and Safety Code, as added by this Act.

4 SECTION 4. The changes in law made by this Act apply only to
5 an abortion performed on or after April 1, 2023. An abortion
6 performed before April 1, 2023, is governed by the law applicable to
7 the abortion immediately before the effective date of this Act, and
8 that law is continued in effect for that purpose.

9 SECTION 5. It is the intent of the legislature that every
10 provision, section, subsection, sentence, clause, phrase, or word
11 in this Act, and every application of the provisions in this Act to
12 each person or entity, are severable from each other. If any
13 application of any provision in this Act to any person, group of
14 persons, or circumstances is found by a court to be invalid for any
15 reason, the remaining applications of that provision to all other
16 persons and circumstances shall be severed and may not be affected.

17 SECTION 6. This Act takes effect September 1, 2021.