

By: Slaton

H.B. No. 2764

A BILL TO BE ENTITLED

AN ACT

relating to self-inducement of an abortion or self-prescription of an abortion-inducing drug by physicians or applicants for a medical license.

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

SECTION 1. Section 171.064(b), Health and Safety Code, is amended to read as follows:

(b) A penalty may not be assessed under this section against a pregnant woman who receives a medical abortion, unless the pregnant woman is a physician who prescribes an abortion-inducing drug for herself or administers the medical abortion on herself for the purpose of inducing an abortion.

SECTION 2. Section 164.052(a), Occupations Code, is amended to read as follows:

(a) A physician or an applicant for a license to practice medicine commits a prohibited practice if that person:

(1) submits to the board a false or misleading statement, document, or certificate in an application for a license;

(2) presents to the board a license, certificate, or diploma that was illegally or fraudulently obtained;

(3) commits fraud or deception in taking or passing an examination;

(4) uses alcohol or drugs in an intemperate manner

1 that, in the board's opinion, could endanger a patient's life;

2 (5) commits unprofessional or dishonorable conduct  
3 that is likely to deceive or defraud the public, as provided by  
4 Section 164.053, or injure the public;

5 (6) uses an advertising statement that is false,  
6 misleading, or deceptive;

7 (7) advertises professional superiority or the  
8 performance of professional service in a superior manner if that  
9 advertising is not readily subject to verification;

10 (8) purchases, sells, barter, or uses, or offers to  
11 purchase, sell, barter, or use, a medical degree, license,  
12 certificate, or diploma, or a transcript of a license, certificate,  
13 or diploma in or incident to an application to the board for a  
14 license to practice medicine;

15 (9) alters, with fraudulent intent, a medical license,  
16 certificate, or diploma, or a transcript of a medical license,  
17 certificate, or diploma;

18 (10) uses a medical license, certificate, or diploma,  
19 or a transcript of a medical license, certificate, or diploma that  
20 has been:

21 (A) fraudulently purchased or issued;

22 (B) counterfeited; or

23 (C) materially altered;

24 (11) impersonates or acts as proxy for another person  
25 in an examination required by this subtitle for a medical license;

26 (12) engages in conduct that subverts or attempts to  
27 subvert an examination process required by this subtitle for a

1 medical license;

2 (13) impersonates a physician or permits another to  
3 use the person's license or certificate to practice medicine in  
4 this state;

5 (14) directly or indirectly employs a person whose  
6 license to practice medicine has been suspended, canceled, or  
7 revoked;

8 (15) associates in the practice of medicine with a  
9 person:

10 (A) whose license to practice medicine has been  
11 suspended, canceled, or revoked; or

12 (B) who has been convicted of the unlawful  
13 practice of medicine in this state or elsewhere;

14 (16) performs or procures a criminal abortion, aids or  
15 abets in the procuring of a criminal abortion, attempts to perform  
16 or procure a criminal abortion, or attempts to aid or abet the  
17 performance or procurement of a criminal abortion;

18 (17) directly or indirectly aids or abets the practice  
19 of medicine by a person, partnership, association, or corporation  
20 that is not licensed to practice medicine by the board;

21 (18) performs an abortion on a woman who is pregnant  
22 with a viable unborn child during the third trimester of the  
23 pregnancy unless:

24 (A) the abortion is necessary to prevent the  
25 death of the woman;

26 (B) the viable unborn child has a severe,  
27 irreversible brain impairment; or

1 (C) the woman is diagnosed with a significant  
2 likelihood of suffering imminent severe, irreversible brain damage  
3 or imminent severe, irreversible paralysis;

4 (19) performs an abortion on an unemancipated minor  
5 without the written consent of the child's parent, managing  
6 conservator, or legal guardian or without a court order, as  
7 provided by Section 33.003 or 33.004, Family Code, unless the  
8 abortion is necessary due to a medical emergency, as defined by  
9 Section 171.002, Health and Safety Code;

10 (20) otherwise performs an abortion on an  
11 unemancipated minor in violation of Chapter 33, Family Code;

12 (21) performs or induces or attempts to perform or  
13 induce an abortion in violation of Subchapter C, F, or G, Chapter  
14 171, Health and Safety Code;

15 (22) in complying with the procedures outlined in  
16 Sections 166.045 and 166.046, Health and Safety Code, wilfully  
17 fails to make a reasonable effort to transfer a patient to a  
18 physician who is willing to comply with a directive; ~~or~~

19 (23) performs or delegates to another individual the  
20 performance of a pelvic examination on an anesthetized or  
21 unconscious patient in violation of Section 167A.002, Health and  
22 Safety Code; or

23 (24) self-performs or self-induces or attempts to  
24 self-perform or self-induce an abortion in violation of Chapter 170  
25 or 171, Health and Safety Code.

26 SECTION 3. The changes in law made by this Act apply only to  
27 conduct that occurs on or after the effective date of this Act.

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1 Conduct that occurs before the effective date of this Act is  
2 governed by the law in effect on the date the conduct occurred, and  
3 the former law is continued in effect for that purpose.

4 SECTION 4. This Act takes effect September 1, 2023.