

By: Slaton

H.B. No. 2765

A BILL TO BE ENTITLED

AN ACT

relating to prohibitions on the use of certain state money for emergency contraceptives.

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

SECTION 1. Section 2273.001, Government Code, is amended by adding Subdivision (3-a) and amending Subdivision (5) to read as follows:

(3-a) "Emergency contraceptive" means a drug that:

(A) is used postcoitally with the intent to prevent a pregnancy;

(B) prevents fertilization of an egg or implantation of an embryo in a uterus; and

(C) is approved by the United States Food and Drug Administration.

(5) "Taxpayer resource transaction" means a sale, purchase, lease, donation of money, goods, services, or real property, or any other transaction between a governmental entity and a private entity that provides to the private entity something of value derived from state or local tax revenue, regardless of whether the governmental entity receives something of value in return. The term does not include the provision of basic public services, including fire and police protection and utilities, by a governmental entity to an abortion provider or affiliate or an emergency contraceptive provider in the same manner as the entity

1 provides the services to the general public. The term includes
2 advocacy or lobbying by or on behalf of a governmental entity on
3 behalf of the interests of an abortion provider or affiliate or an
4 emergency contraceptive provider, but does not include:

5 (A) an officer or employee of a governmental
6 entity providing information to a member of the legislature or
7 appearing before a legislative committee at the request of the
8 member or committee;

9 (B) an elected official advocating for or against
10 or otherwise influencing or attempting to influence the outcome of
11 legislation pending before the legislature while acting in the
12 capacity of an elected official; or

13 (C) an individual speaking as a private citizen
14 on a matter of public concern.

15 SECTION 2. The heading to Section 2273.003, Government
16 Code, is amended to read as follows:

17 Sec. 2273.003. CERTAIN TAXPAYER RESOURCE ~~[ABORTION~~
18 ~~PROVIDER AND AFFILIATE]~~ TRANSACTIONS PROHIBITED; EXCEPTION.

19 SECTION 3. Section 2273.003(a), Government Code, is amended
20 to read as follows:

21 (a) Except as provided by Subsection (b), a governmental
22 entity may not enter into a taxpayer resource transaction with:

23 (1) an abortion provider or an affiliate of an
24 abortion provider; or

25 (2) an emergency contraceptive provider.

26 SECTION 4. Section 32.005, Health and Safety Code, is
27 amended to read as follows:

1 Sec. 32.005. PROVISION OF CERTAIN ABORTION AND EMERGENCY
2 CONTRACEPTION SERVICES RESTRICTED. (a) In this section,
3 "emergency contraceptive" has the meaning assigned by Section
4 2273.001, Government Code.

5 (b) Notwithstanding any other provision of this chapter,
6 funds administered under this chapter may not be used to provide
7 abortion services or emergency contraceptives unless the mother's
8 life is in danger.

9 SECTION 5. Section 32.024(c-1), Human Resources Code, is
10 amended to read as follows:

11 (c-1) The commission shall ensure that money spent for
12 purposes of the demonstration project for women's health care
13 services under former Section 32.0248 or a similar successor
14 program is not used to perform, provide, or promote elective
15 abortions or emergency contraceptives, or to contract with entities
16 that perform, provide, or promote elective abortions or emergency
17 contraceptives or affiliate with those entities [~~that perform or~~
18 ~~promote elective abortions~~]. In this subsection, "emergency
19 contraceptive" has the meaning assigned by Section 2273.001,
20 Government Code.

21 SECTION 6. (a) The changes in law made by this Act to
22 Chapter 2273, Government Code, apply only to a taxpayer resource
23 transaction entered into on or after the effective date of this Act.

24 (b) The changes in law made by this Act to Section 32.005,
25 Health and Safety Code, and Section 32.024, Human Resources Code,
26 apply only to the use of money that occurs on or after the effective
27 date of this Act.

1 SECTION 7. If before implementing any provision of this Act
2 a state agency determines that a waiver or authorization from a
3 federal agency is necessary for implementation of that provision,
4 the agency affected by the provision shall request the waiver or
5 authorization and may delay implementing that provision until the
6 waiver or authorization is granted.

7 SECTION 8. This Act takes effect September 1, 2023.