

By: Cain

H.B. No. 3738

A BILL TO BE ENTITLED

AN ACT

relating to the validity and enforcement of laws restricting or regulating abortion.

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

SECTION 1. Chapter 110, Civil Practice and Remedies Code, is amended by adding Section 110.013 to read as follows:

Sec. 110.013. LAWS REGULATING OR RESTRICTING ABORTION NOT AFFECTED. Notwithstanding any other law, nothing in this chapter may be construed to limit in any way the validity or enforcement of any law regulating or restricting abortion or any law that withholds taxpayer funds from entities that perform or promote abortions.

SECTION 2. Section 110.005(c), Civil Practice and Remedies Code, is amended to read as follows:

(c) An action under this section must be brought in a state or federal district court.

SECTION 3. Section 110.008, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 110.008. SOVEREIGN IMMUNITY WAIVED. (a) Subject to Section 110.006 and except as provided by Subsection (b), sovereign immunity to suit and from liability is waived and abolished in state and federal court to the extent of liability created by Section 110.005, and no immunity defense may be invoked to prevent a claimant from suing ~~[may sue]~~ a government agency for damages

1 allowed by that section, or from suing a government officer for  
2 declaratory and injunctive relief allowed by Section 110.005,  
3 notwithstanding any other law.

4 (b) Notwithstanding Subsection (a), this chapter does not  
5 waive or abolish sovereign immunity to suit and from liability  
6 under the Eleventh Amendment to the United States Constitution,  
7 which prohibits the citizens of another state or the citizens or  
8 subjects of a foreign state from suing this state or any arm of this  
9 state in federal court.

10 SECTION 4. If any provision of this Act or its application  
11 to any person or circumstance is held invalid, the invalidity does  
12 not affect other provisions or applications of this Act that can be  
13 given effect without the invalid provision or application, and to  
14 this end the provisions of this Act are declared to be severable.

15 SECTION 5. This Act takes effect September 1, 2023.