

By: Oliverson

H.B. No. 4089

A BILL TO BE ENTITLED

AN ACT

relating to the Texas Alternatives to Abortion Program.

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

SECTION 1. Subtitle B, Title 2, Health and Safety Code, is amended by adding Chapter 54 to read as follows:

CHAPTER 54. TEXAS ALTERNATIVES TO ABORTION PROGRAM

Sec. 54.001. DEFINITIONS. In this chapter:

(1) "Client" means a woman or man who is eligible to receive program services under Section 54.004.

(2) "Pregnancy support services" means nonmedical services that promote childbirth instead of abortion by providing information, counseling, and support services to assist pregnant women or women who believe they may be pregnant in choosing childbirth and making informed decisions regarding the choice of adoption or parenting with respect to their children.

(3) "Program" means the Texas Alternatives to Abortion Program established by the commission to enhance and increase resources that promote childbirth for women facing unplanned pregnancy.

Sec. 54.002. ADMINISTRATION; PURPOSE. (a) The commission shall oversee the Texas Alternatives to Abortion Program as a statewide social service program to promote healthy pregnancies, childbirth, parenting, and adoption through nonprofit contractors that provide pregnancy support services.

1        (b) The program is funded through:

2            (1) legislative appropriations; and

3            (2) the unobligated and unexpended balance in the  
4 Texas Pregnancy and Adoption Program as of August 31, 2024.

5        (c) The purposes of the program are to:

6            (1) provide a local approach and personalized support  
7 to pregnant women to promote childbirth in all instances of  
8 pregnancy;

9            (2) provide and promote healthy pregnancies;

10           (3) educate biological parents about healthy  
11 parenting and adoption;

12           (4) improve the pregnancy, parenting, and adoption  
13 situations of biological parents; and

14           (5) assist adoptive parents and potential adoptive  
15 parents with support for and education about adoption and  
16 parenting.

17        Sec. 54.003. PROGRAM SERVICES, MATERIALS, AND MARKETING.

18 The program shall provide, either directly or through a  
19 subcontractor, services and materials that improve pregnancy or  
20 parenting experiences, including:

21           (1) the provision of counseling, mentoring,  
22 educational materials, and classes regarding pregnancy, parenting,  
23 adoption, life skills, and employment readiness;

24           (2) the provision of nonmedical material assistance,  
25 including maternity clothing, formula, and diapers; and

26           (3) marketing services to educate the public about the  
27 availability of program services, including the use of social media

1 marketing, internet marketing, outdoor billboard marketing,  
2 television marketing, and radio marketing.

3 Sec. 54.004. PROGRAM ELIGIBILITY. (a) A woman or man is  
4 eligible to receive program services under this chapter if the  
5 woman or man:

6 (1) is in this state at the time program services are  
7 provided; and

8 (2) is either:

9 (A) the biological parent of a child of less than  
10 three years of age, including an unborn child, and who:

11 (i) has parental rights to the child;

12 (ii) voluntarily relinquished parental  
13 rights to the child, provided the rights were relinquished not more  
14 than 180 days before the date program services are provided; or

15 (iii) has experienced the death of the  
16 child, including in utero, not more than 180 days before the date  
17 the program services are provided; or

18 (B) planning in the next 12 months to adopt or has  
19 adopted a child of less than three years of age.

20 (b) The commission may not impose eligibility requirements  
21 based on citizenship, residency, or income.

22 Sec. 54.005. CONTRACTOR AND CONTRACT REQUIREMENTS. (a)  
23 The commission shall enter into contracts with program contractors  
24 that:

25 (1) are able to provide the program services and  
26 materials to clients and their family members;

27 (2) are exempt from federal income taxation; and

1           (3) have provided contracted services under the  
2 program for the commission for at least two years.

3           (b) A contract entered into under this chapter must cover a  
4 two-year period beginning September 1 of an odd-numbered year  
5 through August 31 of the next odd-numbered year.

6           (c) The amount of a contract must be in proportion to the  
7 amount of program services and materials provided by the program  
8 contractor.

9           (d) The commission may not impose other requirements on  
10 program contractors and subcontractors except those prescribed by  
11 this chapter and in the uniform terms imposed by the commission for  
12 commission grants.

13           Sec. 54.006. PROVISION OF PROGRAM SERVICES AND MATERIALS BY  
14 CONTRACTORS OR SUBCONTRACTORS. (a) A program contractor may  
15 provide program services and materials directly or through a  
16 contract with a subcontractor.

17           (b) To provide services and materials under the program, a  
18 contractor and subcontractor must:

19                   (1) provide program training for:

20                           (A) all new employees and volunteers and ensure  
21 that all new employees and volunteers read the contractor's  
22 compliance manual and complete training before providing program  
23 services to clients; and

24                           (B) all existing employees and volunteers at  
25 least once per year;

26                   (2) ensure all client educational materials are  
27 current and reference citations to peer-reviewed journals, to

1 mainstream medical organizations such as the American Academy of  
2 Pediatrics or the American Medical Association, or to federal or  
3 state agencies such as the National Institutes of Health or the  
4 commission;

5 (3) ensure the most recent version of the  
6 informational materials described by Section 171.014 is present to  
7 educate pregnant clients about their options;

8 (4) ensure each client is provided an optional survey  
9 or other method to provide comments about the services the client  
10 received;

11 (5) promote childbirth rather than abortion in its  
12 response to a pregnancy and agree that a contractor or  
13 subcontractor will not promote, make referrals, or provide  
14 abortions to women and men, regardless of whether they are clients;

15 (6) adopt privacy and security policies;

16 (7) be a legally separate entity from any abortion  
17 services provider and not have entered into a legal or monetary  
18 relationship with an abortion services provider;

19 (8) adopt a policy to maintain documents sufficient to  
20 ensure the accuracy and validity of the contractor's or  
21 subcontractor's invoices until the seventh anniversary of the date  
22 the program services and materials are provided;

23 (9) use the necessary administrative, technical, and  
24 physical safeguards to protect the security of confidential  
25 information; and

26 (10) provide program services to clients free of  
27 charge and without regard to a client's income, citizenship, or

1 residency.

2 (c) To provide services and materials under the program, a  
3 contractor or subcontractor may not:

4 (1) share any employees or members of its governing  
5 body with an abortion services provider or affiliate;

6 (2) display or use the names or trademarks of an  
7 abortion services provider in describing or naming the contractor  
8 or subcontractor;

9 (3) use graphic images or graphic descriptions of  
10 abortion procedures in its services and materials, regardless of  
11 whether the contractor or subcontractor is providing services to  
12 clients;

13 (4) use or distribute to women and men, regardless of  
14 whether the woman or man is a client, any educational materials that  
15 promote or provide referrals for abortions; or

16 (5) provide family planning services.

17 Sec. 54.007. OVERSIGHT OF CONTRACTORS AND SUBCONTRACTORS.

18 (a) One full-time commission employee shall oversee program  
19 contractors and ensure compliance with commission contracting  
20 procedures and all other relevant laws and policies.

21 (b) A program contractor is responsible for monitoring each  
22 of the contractor's subcontractors annually to ensure compliance  
23 with this chapter.

24 Sec. 54.008. ANNUAL REPORT. Not later than December 1 of  
25 each year, the commission shall submit a written report to the  
26 Legislative Budget Board and the governor on:

27 (1) the total amount of services and materials

1 provided by each program contractor, either directly or through  
2 subcontractors, by geographical region;

3 (2) the total number of program contractors, including  
4 subcontractors, by geographical region;

5 (3) the total number of unduplicated clients served by  
6 each contractor, by gender and age;

7 (4) a description of program marketing efforts by  
8 program contractors;

9 (5) the total amount of program expenses, sorted by  
10 method of funding;

11 (6) the total contract amount for each program  
12 contractor and subcontractor;

13 (7) the percentage of pregnant clients who were  
14 connected to health care providers or programs;

15 (8) the percentage of pregnant clients who were  
16 provided education about nutrition or nutritional distributions;  
17 and

18 (9) the percentage of all clients who were provided  
19 education about family economic self-sufficiency and stability.

20 SECTION 2. This Act takes effect September 1, 2023.