

By: Johnson

S.B. No. 78

A BILL TO BE ENTITLED

AN ACT

relating to the provision of an abortion-inducing drug.

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

SECTION 1. Subchapter D, Chapter 171, Health and Safety Code, is amended by adding Section 171.0611 to read as follows:

Sec. 171.0611. EFFECT OF OTHER LAWS; LOCAL REGULATION. (a) Notwithstanding any other law, a physician may provide an abortion-inducing drug to a pregnant individual in accordance with this subchapter. To the extent that a provision of this subchapter conflicts with any other law, this subchapter controls.

(b) A political subdivision may not adopt or enforce an ordinance, order, or other measure that conflicts with this section.

SECTION 2. Section 171.063(c), Health and Safety Code, is amended to read as follows:

(c) Before the physician provides an abortion-inducing drug, the physician must:

- (1) examine the pregnant woman in person;
- (2) independently verify that a pregnancy exists;
- (3) document, in the woman's medical record, the gestational age and intrauterine location of the pregnancy to determine whether an ectopic pregnancy exists;
- (4) determine the pregnant woman's blood type, and for a woman who is Rh negative, offer to administer Rh immunoglobulin

1 (RhoGAM) at the time the abortion-inducing drug is administered or  
2 used or the abortion is performed or induced to prevent Rh  
3 incompatibility, complications, or miscarriage in future  
4 pregnancies;

5 (5) document whether the pregnant woman received  
6 treatment for Rh negativity, as diagnosed by the most accurate  
7 standard of medical care; and

8 (6) ensure the physician does not provide an  
9 abortion-inducing drug for a pregnant woman whose pregnancy is more  
10 than 70 [~~49~~] days of gestational age.

11 SECTION 3. This Act takes effect immediately if it receives  
12 a vote of two-thirds of all the members elected to each house, as  
13 provided by Section 39, Article III, Texas Constitution. If this  
14 Act does not receive the vote necessary for immediate effect, this  
15 Act takes effect September 1, 2023.