

By: Johnson

S.B. No. 79

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the repeal of certain laws prohibiting abortion and the
3 construction of abortion laws imposing penalties or liability on
4 pregnant individuals.

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

6 SECTION 1. Section 311.036, Government Code, is amended by
7 adding Subsection (d) to read as follows:

8 (d) A statute that regulates or prohibits abortion may not
9 be construed to authorize the imposition or incurrence of criminal,
10 civil, or administrative penalties or liability on a pregnant
11 individual on whom an abortion is performed, induced, or attempted.

12 SECTION 2. Section 171.206(b), Health and Safety Code, is
13 amended to read as follows:

14 (b) This subchapter may not be construed to:

15 (1) authorize the initiation of a cause of action
16 against or the prosecution of a pregnant individual [~~woman~~] on whom
17 an abortion is performed or induced or attempted to be performed or
18 induced in violation of this subchapter;

19 (2) wholly or partly repeal, either expressly or by
20 implication, any other statute that regulates or prohibits
21 abortion[~~, including Chapter 6-1/2, Title 71, Revised Statutes~~]; or

22 (3) restrict a political subdivision from regulating
23 or prohibiting abortion in a manner that is at least as stringent as
24 the laws of this state.

1 SECTION 3. Section 171.207(b), Health and Safety Code, is
2 amended to read as follows:

3 (b) Subsection (a) may not be construed to:

4 (1) legalize the conduct prohibited by this subchapter
5 ~~[or by Chapter 6-1/2, Title 71, Revised Statutes];~~

6 (2) limit in any way or affect the availability of a
7 remedy established by Section 171.208; or

8 (3) limit the enforceability of any other laws that
9 regulate or prohibit abortion.

10 SECTION 4. Chapter 6-1/2, Title 71, Revised Statutes, is
11 repealed.

12 SECTION 5. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2023.