

By: Alvarado, et al.

S.B. No. 122

A BILL TO BE ENTITLED

AN ACT

relating to the repeal of and exceptions to certain laws prohibiting abortion.

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

SECTION 1. Section 170A.002, Health and Safety Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) The prohibition under Subsection (a) does not apply if the pregnancy resulted from sexual assault in violation of Section 22.011, Penal Code, aggravated sexual assault in violation of Section 22.021, Penal Code, or conduct constituting an offense under Section 25.02, Penal Code. This subsection may not be construed to require:

(1) the pregnant patient to file a police or investigative report;

(2) the pregnant patient to provide forensic evidence;
or

(3) prosecution of the alleged offense.

SECTION 2. The heading to Section 171.205, Health and Safety Code, is amended to read as follows:

Sec. 171.205. EXCEPTIONS [~~EXCEPTION FOR MEDICAL EMERGENCY~~]; RECORDS.

SECTION 3. Section 171.205, Health and Safety Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) Sections 171.203 and 171.204 do not apply to an

1 abortion performed or induced by a person in accordance with an
2 exception provided by Section 170A.002.

3 SECTION 4. Section 171.206(b), Health and Safety Code, is
4 amended to read as follows:

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

6 (1) authorize the initiation of a cause of action
7 against or the prosecution of a pregnant patient [~~woman~~] on whom an
8 abortion is performed or induced or attempted to be performed or
9 induced in violation of this subchapter;

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

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

16 SECTION 5. Section 171.207(b), Health and Safety Code, is
17 amended to read as follows:

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

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

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

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

25 SECTION 6. Chapter 6-1/2, Title 71, Revised Statutes, is
26 repealed.

27 SECTION 7. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2023.