

By: Alvarado, et al.

S.B. No. 123

A BILL TO BE ENTITLED

AN ACT

relating to exceptions to certain laws prohibiting abortion.

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

SECTION 1. Section 170A.001(3), Health and Safety Code, is amended to read as follows:

(3) "Pregnant" means the ~~[female]~~ human reproductive condition of having an embryo or fetus develop ~~[a living unborn child]~~ within the human ~~[female's]~~ body ~~[during the entire embryonic and fetal stages of the unborn child's development from fertilization until birth]~~.

SECTION 2. Section 170A.002, Health and Safety Code, is amended by amending Subsections (b) and (d) and adding Subsection (e) to read as follows:

(b) The prohibition under Subsection (a) does not apply if:

(1) the person performing, inducing, or attempting the abortion is a licensed physician; and

(2) in the physician's best ~~[exercise of reasonable]~~ medical judgment, the ~~[pregnant female on whom the]~~ abortion is:

(A) necessary to preserve the pregnant patient's life;

(B) necessary to preserve the pregnant patient's physical or mental health;

(C) requested because of a lethal fetal anomaly or diagnosis; or

1            (D) requested because of a life-limiting  
2 diagnosis that indicates the existence of the fetus outside the  
3 womb is incompatible with life without extraordinary medical  
4 interventions [~~performed, induced, or attempted has a~~  
5 ~~life-threatening physical condition aggravated by, caused by, or~~  
6 ~~arising from a pregnancy that places the female at risk of death or~~  
7 ~~poses a serious risk of substantial impairment of a major bodily~~  
8 ~~function unless the abortion is performed or induced; and~~

9            [~~(3) the person performs, induces, or attempts the~~  
10 ~~abortion in a manner that, in the exercise of reasonable medical~~  
11 ~~judgment, provides the best opportunity for the unborn child to~~  
12 ~~survive unless, in the reasonable medical judgment, that manner~~  
13 ~~would create.~~

14            [~~(A) a greater risk of the pregnant female's~~  
15 ~~death; or~~

16            [~~(B) a serious risk of substantial impairment of~~  
17 ~~a major bodily function of the pregnant female].~~

18            (d) Medical treatment provided to the pregnant patient  
19 [~~female~~] by a licensed physician that results in the accidental or  
20 unintentional injury or death of the embryo or fetus [~~unborn child~~]  
21 does not constitute a violation of this section.

22            (e) Each abortion permitted under an exception provided by  
23 this section must be considered independently by the treating  
24 physician and the pregnant patient or the patient's health care  
25 proxy. A medical review process may not override a determination by  
26 a physician and a pregnant patient or the patient's health care  
27 proxy to perform, induce, or attempt an abortion permitted under an

1 exception provided by this section.

2 SECTION 3. Section 170A.003, Health and Safety Code, is  
3 amended to read as follows:

4 Sec. 170A.003. CONSTRUCTION OF CHAPTER. This chapter may  
5 not be construed to authorize the imposition of criminal, civil, or  
6 administrative liability or penalties on a pregnant patient  
7 [~~female~~] on whom an abortion is performed, induced, or attempted.

8 SECTION 4. Sections 170A.001(2) and 170A.002(c), Health and  
9 Safety Code, are repealed.

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