

By: Leach

H.B. No. 6

A BILL TO BE ENTITLED

AN ACT

relating to the provision of abortion-inducing drugs, including the enforcement of and exceptions to laws regulating the provision of abortion-inducing drugs; providing a civil penalty.

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

SECTION 1. Section 171.061, Health and Safety Code, is amended by amending Subdivision (8-a) and adding Subdivision (8-b) to read as follows:

(8-a) "Provide" means, as used with regard to abortion-inducing drugs, any act of giving, selling, dispensing, administering, transferring possession, or otherwise providing or prescribing an abortion-inducing drug. The term does not include an activity described by Section 171.2011(b).

(8-b) "Supplier of an abortion-inducing drug" means a person engaged in the business of providing abortion-inducing drugs to patients for the purpose of obtaining an abortion.

SECTION 2. Section 171.063, Health and Safety Code, is amended by amending Subsections (a), (b-1), and (c) and adding Subsection (b-2) to read as follows:

(a) A person may not knowingly provide an abortion-inducing drug to a pregnant woman for the purpose of inducing an abortion in the pregnant woman or enabling another person to induce an abortion in the pregnant woman unless:

(1) the person who provides the abortion-inducing drug

1 is a physician; and

2 (2) the provision of the abortion-inducing drug is in  
3 response to a medical emergency [~~satisfies the protocol authorized~~  
4 ~~by this subchapter~~].

5 (b-1) A manufacturer, supplier of an abortion-inducing  
6 drug, physician, or any other person may not provide to a patient  
7 any abortion-inducing drug by courier, delivery by a common or  
8 contract carrier, or mail service.

9 (b-2) It is an exception to the application of Subsection  
10 (b-1) that:

11 (1) the person providing the abortion-inducing drug  
12 is:

- 13 (A) a physician;  
14 (B) a health facility licensed under Subtitle B,  
15 Title 4; or  
16 (C) a pharmacy or pharmacist licensed under  
17 Subtitle J, Title 3, Occupations Code; and

18 (2) the provision of the abortion-inducing drug:  
19 (A) constitutes an activity described by Section  
20 171.2011(b);  
21 (B) is in response to a medical emergency; or  
22 (C) is for a medical reason other than to  
23 attempt, induce, or perform an abortion.

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

- 26 (1) examine the pregnant woman in person; and  
27 (2) independently verify that a pregnancy exists,

1 including a pregnancy located outside the uterus [†

2 ~~[(3) document, in the woman's medical record, the~~  
3 ~~gestational age and location of the pregnancy to determine whether~~  
4 ~~an ectopic pregnancy exists as defined by Section 245.002(4-a),~~

5 ~~[(4) determine the pregnant woman's blood type, and~~  
6 ~~for a woman who is Rh negative, offer to administer Rh~~  
7 ~~immunoglobulin (RhoGAM) at the time the abortion-inducing drug is~~  
8 ~~administered or used or the abortion is performed or induced to~~  
9 ~~prevent Rh incompatibility, complications, or miscarriage in~~  
10 ~~future pregnancies;~~

11 ~~[(5) document whether the pregnant woman received~~  
12 ~~treatment for Rh negativity, as diagnosed by the most accurate~~  
13 ~~standard of medical care; and~~

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

17 SECTION 3. Subchapter D, Chapter 171, Health and Safety  
18 Code, is amended by adding Sections 171.0651, 171.0652, 171.067,  
19 171.068, 171.069, and 171.070 to read as follows:

20 Sec. 171.0651. CERTAIN ACTIVITIES NOT SUBJECT TO  
21 PROSECUTION. A person is not subject to prosecution as a party  
22 under Sections 7.01 and 7.02, Penal Code, or for organized criminal  
23 activity under Chapter 71, Penal Code, for any underlying conduct  
24 that is an activity described by Section 171.2011.

25 Sec. 171.0652. PROSECUTION BY ATTORNEY GENERAL.  
26 Notwithstanding any other law, the attorney general has  
27 jurisdiction to prosecute and may represent the state in the

1 prosecution of an offense under Section 171.065 that is based on a  
2 violation of Section 171.063(b-1).

3 Sec. 171.067. CIVIL PENALTY; INJUNCTION. (a) Except as  
4 provided by Section 171.069, the attorney general may bring a civil  
5 action against a person who violates Section 171.063(b-1) to enjoin  
6 the violation or recover a civil penalty.

7 (b) A district court located in a county of proper venue  
8 under Chapter 15, Civil Practice and Remedies Code, has  
9 jurisdiction over a civil action brought under this section if any  
10 element of the alleged violation occurred in this state.

11 (c) If the trier of fact finds that a defendant against whom  
12 an action is brought under this section violated Section  
13 171.063(b-1), the court shall impose a civil penalty of not less  
14 than \$100,000 for each violation.

15 Sec. 171.068. QUI TAM ACTION FOR CERTAIN PROHIBITED  
16 ACTIVITIES. (a) A person may bring a civil action against a person  
17 who violates Section 171.063(b-1) in the name of the person and of  
18 this state to enjoin the violation and recover statutory damages in  
19 the amount of \$100,000 per violation.

20 (b) A person may not bring an action under this section  
21 later than the second anniversary of the date the alleged violation  
22 of Section 171.063(b-1) occurred.

23 (c) Except as provided by this subchapter, a civil action  
24 brought under this section is subject to the same procedures and  
25 requirements applicable to a civil action brought under Subchapter  
26 C, Chapter 36, Human Resources Code, including any provision of  
27 that subchapter authorizing the attorney general to intervene and

1 resolve an action a person brings under that subchapter.

2 Sec. 171.069. PROCEDURES FOR CIVIL ACTIONS. (a) A person  
3 may not bring a civil action under this subchapter against a woman  
4 who:

5 (1) aborts or attempts to abort her unborn child; or

6 (2) uses, obtains, or seeks to obtain an  
7 abortion-inducing drug to abort or attempt to abort her unborn  
8 child.

9 (b) The courts of this state have personal jurisdiction over  
10 a defendant against whom an action is brought under this subchapter  
11 to the maximum extent permitted by the Fourteenth Amendment to the  
12 United States Constitution and the defendant may be served outside  
13 this state.

14 (c) If the attorney general prevails in an action brought  
15 under Section 171.067 or in which the attorney general intervened  
16 under Section 171.068, the attorney general is entitled to recover  
17 reasonable and necessary attorney's fees, expenses, and court  
18 costs.

19 Sec. 171.070. REMEDIES CUMULATIVE. A civil or criminal  
20 action authorized by this subchapter is in addition to any other  
21 civil or criminal action provided by this subchapter.

22 SECTION 4. Sections [171.063](#)(d), (e), and (f), Health and  
23 Safety Code, are repealed.

24 SECTION 5. The changes in law made by this Act apply only to  
25 a cause of action that accrues on or after the effective date of  
26 this Act.

27 SECTION 6. Except as otherwise provided by this Act, the

1 changes in law made by this Act apply only to conduct engaged in on  
2 or after the effective date of this Act. Conduct engaged in before  
3 the effective date of this Act is governed by the law in effect on  
4 the date the offense was committed, and the former law is continued  
5 in effect for that purpose. For purposes of this section, conduct  
6 was engaged in before the effective date of this Act if any element  
7 of the conduct occurred before that date.

8 SECTION 7. (a) Notwithstanding any other law, the Texas  
9 Supreme Court has exclusive and original jurisdiction over a  
10 challenge to the constitutionality of this Act or any part of this  
11 Act and may issue injunctive or declaratory relief in connection  
12 with the challenge.

13 (b) A person has standing to challenge the  
14 constitutionality of this Act if the person:

15 (1) is a manufacturer, supplier of an  
16 abortion-inducing drug, distributor, or other person who provides  
17 abortion-inducing drugs, as defined by Section [171.061](#), Health and  
18 Safety Code, for use in this state; and

19 (2) has contacts sufficient to subject the person to  
20 personal jurisdiction in a civil action brought in a court of this  
21 state, without regard to whether those contacts involve conduct on  
22 which a civil action may be based as provided by this Act.

23 (c) Section [22.001](#)(d), Government Code, applies to an  
24 action challenging the constitutionality of this Act.

25 (d) Chapter [27](#), Civil Practice and Remedies Code, does not  
26 apply to an action challenging the constitutionality of this Act.

27 (e) The Texas Supreme Court shall render a final judgment in

H.B. No. 6

1 an action challenging the constitutionality of this Act not later  
2 than the 180th day after the date the action is filed.

3 SECTION 8. This Act takes effect December 1, 2025.