

By: Cook, Alvarado, Eckhardt

S.B. No. 51

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of abortion and related matters,
including infant supportive palliative care and exceptions to and
the repeal of certain laws prohibiting abortion.

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

SECTION 1. Chapter 142A, Health and Safety Code, is amended
by adding Section 142A.0003 to read as follows:

Sec. 142A.0003. RULES AND MINIMUM STANDARDS FOR DELIVERY OF
CARE TO CERTAIN INFANTS. The executive commissioner by rule shall
prescribe minimum standards for the scope and delivery of
supportive palliative care to an infant born with a lethal fetal
anomaly or diagnosis.

SECTION 2. Section 170A.002, Health and Safety Code, is
amended by adding Subsection (b-1) to read as follows:

(b-1) It is an exception to the application of Subsection
(a) that the pregnant female's treating physician and one other
physician specializing in obstetrics and gynecology determine the
abortion is necessary due to a lethal fetal anomaly or diagnosis.

SECTION 3. Chapter 170A, Health and Safety Code, is amended
by adding Section 170A.0025 to read as follows:

Sec. 170A.0025. MULTIDISCIPLINARY ETHICS COMMITTEE REVIEW
OF CERTAIN ABORTIONS. (a) A multidisciplinary ethics committee
composed of members appointed in accordance with rules the Texas
Medical Board adopts shall review a physician's determination that

1 an abortion is necessary under Section 170A.002(b-1) for each fetus
2 older than 24 weeks of age.

3 (b) The treating physician and other physician who made the
4 determination described by Subsection (a) may not be a member of the
5 multidisciplinary ethics committee that reviews the determination.

6 SECTION 4. The heading to Section 171.205, Health and
7 Safety Code, is amended to read as follows:

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

10 SECTION 5. Section 171.205, Health and Safety Code, is
11 amended by adding Subsection (a-1) to read as follows:

12 (a-1) Sections 171.203 and 171.204 do not apply to an
13 abortion performed or induced by a physician in accordance with an
14 exception provided by Section 170A.002.

15 SECTION 6. Section 171.206(b), Health and Safety Code, is
16 amended to read as follows:

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

18 (1) authorize the initiation of a cause of action
19 against or the prosecution of a woman on whom an abortion is
20 performed or induced or attempted to be performed or induced in
21 violation of this subchapter;

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

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

SECTION 7. Section 171.207(b), Health and Safety Code, is amended to read as follows:

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

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

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

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

SECTION 8. Chapter 6-1/2, Title 71, Revised Statutes, is repealed.

SECTION 9. This Act takes effect on the 91st day after the last day of the legislative session.