

**BILL ANALYSIS**

Senate Research Center

H.B. 7  
By: Leach et al. (Hughes)  
State Affairs  
9/2/2025  
Engrossed

**AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The bill author informed the House Committee on State Affairs that, following the Supreme Court's decision in *Dobbs v. Jackson Women's Health Organization* (2022), which overturned *Roe v. Wade*, states have regained the authority to protect women and unborn children from abortion but that in recent years, abortion-inducing drugs are being purchased online from out-of-state abortion providers and entities. As reported in the *Texas Tribune*, an average of 2,800 Texans receive abortion-inducing drugs each month according to #WeCount, a tracking project from the Society of Family Planning. The bill author also informed the committee that, without in-person medical care, follow-up care, or preventative testing—such as a physical exam, diagnostic ultrasound, or blood test—it is possible that serious health risks from the use of abortion-inducing drugs may arise, including sepsis, failure to detect Rh factor incompatibility or ectopic pregnancy, loss of fallopian tubes, hemorrhage, and death. Furthermore, the bill author informed the committee that the use of abortion-inducing drugs that are purchased online from out-of-state providers and entities may lead to an increase in incidents of forced abortion, abuse, and crimes against women by abusers and human traffickers.

H.B. 7 seeks to enact the Woman and Child Protection Act, providing certain prohibitions on the manufacture and provision of abortion-inducing drugs, including the jurisdiction of and the effect of certain judgments by courts within and outside Texas with respect to the manufacture and provision of those drugs, and providing protections from certain counteractions under the laws of other states and jurisdictions. Moreover, the bill authorizes qui tam actions under specified conditions.

H.B. 7 amends current law relating to prohibitions on the manufacture and provision of abortion-inducing drugs, including the jurisdiction of and effect of certain judgments by courts within and outside this state with respect to the manufacture and provision of those drugs, and to protections from certain counteractions under the laws of other states and jurisdictions; and authorizes qui tam actions.

**RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

**SECTION BY SECTION ANALYSIS**

SECTION 1. Requires that this Act be known as the Women and Child Protection Act.

SECTION 2. Amends Subtitle H, Title 2, Health and Safety Code, by adding Chapter 171A, as follows:

CHAPTER 171A. ABORTION-INDUCING DRUGS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 171A.001. DEFINITIONS. Defines "abortion," "abortion-inducing drug," "delivery network company," "delivery person," "digital network," "digitally prearranged delivery," "digitally prearranged ride," "driver," "transportation network company," "health care

facility," "health care provider," "hospital," "medical emergency," "physician," and "physician group."

Sec. 171A.002. APPLICABILITY AND CONSTRUCTION OF CHAPTER. (a) Provides that this chapter does not apply to and a civil action under this chapter is prohibited from being brought against certain entities.

(b) Prohibits this chapter from being construed to require the actual performance, inducement, or attempted performance of an abortion in order for a person to bring a civil action authorized by this chapter.

#### SUBCHAPTER B. PROTECTION FROM ABORTION-INDUCING DRUGS

Sec. 171A.051. PROHIBITIONS RELATED TO ABORTION-INDUCING DRUGS. (a) Prohibits a person, except as provided by Subsection (b) or Section 171A.002, from manufacturing or distributing an abortion-inducing drug in this state or mailing, transporting, delivering, prescribing, or providing an abortion-inducing drug in any manner to or from any person or location in this state.

(b) Provides that Subsection (a) does not prohibit certain speech or conduct.

Sec. 171A.052. EXCLUSIVE ENFORCEMENT; EFFECT OF OTHER LAW. (a) Provides that this subchapter is authorized to be enforced only through a qui tam action brought under Subchapter C.

(b) Provides that no other direct or indirect enforcement of this subchapter is authorized to be taken or threatened by this state, a political subdivision of this state, a district or county attorney, or any officer or employee of this state or a political subdivision of this state against any person, by any means whatsoever, except as provided in Subchapter C.

(c) Provides that this section does not preclude or limit the enforcement of any other law or regulation against conduct that is independently prohibited by the other law or regulation and that would remain prohibited by the other law or regulation in the absence of this subchapter.

#### SUBCHAPTER C. QUI TAM ENFORCEMENT OF PROHIBITIONS RELATING TO ABORTION-INDUCING DRUGS

Sec. 171A.101. QUI TAM ACTION AUTHORIZED. (a) Provides that a person, other than this state, a political subdivision of this state, or an officer or employee of this state or a political subdivision of this state, has standing to bring and is authorized to bring a qui tam action against a person who violates Section 171A.051 or intends to violate Section 171A.051.

(b) Requires that an action brought under this section be brought in the name of the qui tam relator, who is an assignee of this state's claim for relief. Provides that the transfer of this state's claim to the qui tam relator, notwithstanding any other law, is absolute with the state retaining no interest in the subject matter of the claim.

(c) Prohibits a qui tam relator from bringing an action under this section if the action is preempted by 47 U.S.C. Section 230(c).

(d) Prohibits a qui tam action from being brought under this section against certain entities or by certain persons.

(e) Prohibits an action brought under this section, notwithstanding any other law, including rules of civil procedure adopted under Chapter 26 (Class Actions), Civil

Practice and Remedies Code, from being litigated on behalf of a claimant class or a defendant class, and a court from certifying a class in the action.

(f) Prohibits a qui tam relator or a defendant against whom an action is brought under this section, in an action brought under this chapter, from publicly disclosing or improperly obtaining, without the consent of the person to whom the information belongs, certain information.

(g) Prohibits a court, notwithstanding any other law, from ordering in response to the filing of a petition by a qui tam relator the taking of a deposition under Rule 202, Texas Rules of Civil Procedure, of a woman who is the subject of a violation of Section 171A.051 unless the woman consents to the deposition.

Sec. 171A.102. DEFENSES. (a) Provides that it is an affirmative defense to an action brought under Section 171A.101 that the defendant was unaware the defendant was engaged in the conduct prohibited by Section 171A.051 and took reasonable precautions to ensure the defendant would not violate Section 171A.051.

(b) Provides that certain defenses are affirmative defenses to an action brought under Section 171A.101.

(c) Provides that the defendant has the burden of proving an affirmative defense under this section by a preponderance of the evidence.

(d) Provides that certain defenses are not defenses to an action brought under Section 171A.101.

Sec. 171A.103. STATUTE OF LIMITATIONS. Authorizes a person to bring an action under Section 171A.101 not later than the sixth anniversary of the date the cause of action accrues.

Sec. 171A.104. REMEDIES. (a) Requires the court, notwithstanding any other law and except as provided by Subsection (b), if a qui tam relator prevails in an action brought under Section 171A.101, to award to the relator:

(1) injunctive relief sufficient to prevent the defendant from violating Section 171A.051;

(2) an amount of not less than \$100,000 for each violation of Section 171A.051, to be allocated in accordance with Subsection (b); and

(3) costs and reasonable attorney's fees.

(b) Requires the court, in awarding the amount described by Subsection (a)(2), to ensure that the qui tam relator receive certain amounts for certain actions.

(c) Prohibits a court from awarding relief under Subsection (a)(2) or (3) in response to a violation of Section 171A.051 if the defendant demonstrates that a court previously ordered the defendant to pay an amount under Subsection (a)(2) in another action for that particular violation and the court order described by Subdivision (1) has not been vacated, reversed, or overturned.

(d) Prohibits a court from awarding costs or attorney's fees under the Texas Rules of Civil Procedure or any other rule adopted by the Supreme Court of Texas under Section 22.004 (Rules of Civil Procedure), Government Code, to a defendant against whom an action is brought under Section 171A.101.

(e) Provides that Subsection (d) does not preclude a court from awarding sanctions under Chapter 10 (Sanctions for Frivolous Pleadings and Motions),

Civil Practice and Remedies Code or sanctioning a litigant or attorney for frivolous, malicious, or bad-faith conduct.

Sec. 171A.105. COORDINATED ENFORCEMENT PROHIBITED. (a) Prohibits this state, a political subdivision of this state, or an officer or employee of this state or a political subdivision of this state, from performing certain actions.

(b) Provides that this section does not prohibit this state, a political subdivision of this state, or an officer or employee of this state or a political subdivision of this state from filing an amicus curiae brief in an action brought under Section 171A.101 if this state, the political subdivision, the officer, or the employee does not act in concert or participation with the qui tam relator.

Sec. 171A.106. JURISDICTION; APPLICABILITY OF STATE LAW. (a) Provides that the courts of this state, notwithstanding any other law, including Subchapter C (Long-Arm Jurisdiction in Suit on Business Transaction or Tort), Chapter 17 (Parties; Citation; Long-Arm Jurisdiction), Civil Practice and Remedies Code, have personal jurisdiction over a defendant sued under Section 171A.101 to the maximum extent permitted by the Fourteenth Amendment to the United States Constitution, and the defendant is authorized to be served outside this state.

(b) Provides that the law of this state, notwithstanding any other law, applies to an action brought under Section 171A.101 to the maximum extent permitted by the Texas Constitution and federal law, including the United States Constitution.

(c) Provides that any contractual provision that requires or purports to require application of the laws of a different jurisdiction, or that requires or purports to require a qui tam action under Section 171A.101 to be litigated in a particular forum, notwithstanding any other law, is void based on this state's public policy and is not enforceable in any court.

(d) Provides that Chapter 27 (Actions Involving the Exercise of Certain Constitutional Rights), Civil Practice and Remedies Code, notwithstanding any other law, does not apply to an action brought under Section 171A.101.

Sec. 171A.107. APPEALS. Provides that the Fifteenth Court of Appeals has exclusive intermediate appellate jurisdiction over any appeal or original proceeding arising out of an action brought under Section 171A.101 in the courts of this state.

Sec. 171A.108. APPLICATION OF OTHER LAW. Prohibits a court, notwithstanding any other law, from applying the law of another state or jurisdiction to any qui tam action brought under Section 171A.101 unless the Texas Constitution or federal law compels the court to apply that law.

#### SUBCHAPTER D. PROTECTION FROM CERTAIN COUNTERACTIONS

Sec. 171A.151. EFFECT OF CLAWBACK PROVISIONS. (a) Defines "clawback provision."

(b) Provides that, notwithstanding any other law and except as otherwise provided by federal law or the Texas Constitution, the laws of this state apply to certain conduct and actions.

(c) Requires the court, notwithstanding any other law, in certain actions described by Subsection (a), on request, to issue a temporary, preliminary, or permanent injunction that restrains each defendant in the action, each person in privity with the defendant, and each person with whom the defendant is in active concert or participation from performing certain actions.

(d) Provides that the doctrines of res judicata and collateral estoppel, notwithstanding any other law, preclude a defendant against whom a judgment is entered in certain actions described by Subsection (a) and each person in privity with the defendant from litigating or relitigating any claim or issue under any clawback provision against a claimant, prosecutor, or person in privity with the claimant or prosecutor that was raised or could have been raised as a claim, cross-claim, counterclaim, or affirmative defense under the federal or this state's rules of civil procedure.

(e) Prohibits a court of this state, notwithstanding any other law, from enforcing an out-of-state judgment obtained in an action brought under a clawback provision unless federal law or the Texas Constitution requires the court to enforce the judgment.

(f) Provides that, if an action is brought or judgment is entered against a person under a clawback provision based wholly or partly on the person's decision to engage in conduct described by Subsection (a), notwithstanding any other law, that person is entitled to injunctive relief and damages from any person who brought the action or obtained the judgment or who sought to enforce the judgment. Requires that the relief described by this subsection, notwithstanding any other law, include certain costs and damages.

(g) Provides that it is not a defense to an action brought under Subsection (f) that the claimant failed to seek recovery under Subsection (f) in an action brought against the claimant under a clawback provision or a court in a preceding action brought against the claimant declined to recognize or enforce Subsection (f) or held any provision of that subsection invalid, unconstitutional, or preempted by federal law, notwithstanding the doctrines of issue or claim preclusion.

(h) Provides that Chapter 27, Civil Practice and Remedies Code, notwithstanding any other law, does not apply to an action brought under Subsection (f).

(i) Provides that the Fifteenth Court of Appeals has exclusive intermediate appellate jurisdiction over any appeal or original proceeding arising out of a civil action brought under Subsection (f) in the courts of this state.

SECTION 3. Makes application of Chapter 171A, Health and Safety Code, as added by this Act, prospective.

SECTION 4. Severability clause.

SECTION 5. Effective date: the 91st day after the last day of the legislative session.