

By: Troxclair

H.B. No. 218

A BILL TO BE ENTITLED

AN ACT

relating to prohibition of transporting or funding the transportation of an unemancipated minor for an abortion; providing a civil penalty; creating a criminal offense.

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

SECTION 1. Subtitle H, Title 2, Health and Safety Code, is amended by adding Chapter 170B to read as follows:

CHAPTER 170B. TRANSPORTING A MINOR FOR AN ABORTION

Sec. 170B.001. DEFINITIONS. In this chapter:

(1) "Abortion" has the meaning assigned by Section 245.002(1).

(2) "Unborn child" has the meaning assigned in Section 170A.001(5).

(3) "Unemancipated minor" includes a minor who:
(A) is unmarried; and
(B) has not had the disabilities of minority removed under Chapter 31, Family Code.

Sec. 170B.002. PROHIBITED TRANSPORTATION. EXCEPTIONS. (a)
No person shall knowingly transport or fund the transportation of an unemancipated minor from Texas and into another state or country for the purpose of the minor obtaining an abortion without the written consent of a parent of the unemancipated minor or a person lawfully standing in the position of a parent of the unemancipated minor.

1 (b) The prohibition under subsection (a) does not apply to
2 an abortion performed or induced under the exception described in
3 Section 170A.002(b)-(d), Health and Safety Code.

4 Sec. 170B.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 an unemancipated minor.

7 Sec. 170B.004. CRIMINAL OFFENSE. (a) A person who violates
8 Section 170B.002 commits an offense.

9 (b) An offense under this section is a felony of the second
10 degree, except that the offense is a felony of the first degree if
11 the unborn child dies as a result of an abortion that occurred in a
12 state or country that the unemancipated was transported to in
13 violation of Section 170B.002.

14 Sec. 170B.005. CIVIL PENALTY. A person who violates
15 Section 170B.002 is subject to a civil penalty of not less than
16 \$100,000 for each violation. The attorney general shall file an
17 action to recover a civil penalty assessed under this section and
18 may recover attorney's fees and costs incurred in bringing the
19 action.

20 Sec. 170B.006. CIVIL REMEDIES UNAFFECTED. The fact that
21 conduct is subject to a civil or criminal penalty under this chapter
22 does not abolish or impair any remedy for the conduct that is
23 available in a civil suit.

24 Sec. 170A.007. DISCIPLINARY ACTION. In addition to any
25 other penalty that may be imposed under this chapter, the
26 appropriate licensing authority shall revoke the license, permit,
27 registration, certificate, or other authority of a physician or

1 other health care professional who transports or funds the
2 transportation of an unemancipated minor in violation of Section
3 170B.002.

4 SECTION 2. The provisions of this Act are hereby declared
5 severable, and if any provision of this Act or the application of
6 such provision to any person or circumstance is declared invalid
7 for any reason, such declaration shall not affect the validity of
8 the remaining portions of this Act.

9 SECTION 3. The change in law made by this Act applies only
10 to an abortion performed or induced on or after the effective date
11 of this Act.

12 SECTION 4. This Act takes effect on the 91st day after the
13 last day of the legislative session.