

By: Alvarado, et al.

S.B. No. 42

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.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 physician performing, inducing, or attempting the abortion determines the abortion is necessary due to:

(1) a lethal fetal anomaly or diagnosis; or

(2) a life-limiting diagnosis indicating the existence of a fetus outside a womb is incompatible with life without extraordinary medical interventions.

SECTION 2. Section 171.045, Health and Safety Code, is amended to read as follows:

Sec. 171.045. METHOD OF ABORTION. (a) This section applies only to an abortion authorized under Section 171.046(a)(2)(A) or (B) [~~171.046(a)(1) or (2)~~] in which:

(1) the probable post-fertilization age of the unborn child is 20 or more weeks; or

(2) the probable post-fertilization age of the unborn child has not been determined but could reasonably be 20 or more weeks.

(b) Except as otherwise provided by Section 171.046(a)(2)(C) [~~171.046(a)(3)~~], a physician performing an

1 abortion under Subsection (a) shall terminate the pregnancy in the
2 manner that, in the physician's reasonable medical judgment,
3 provides the best opportunity for the unborn child to survive.

4 SECTION 3. Sections 171.046(a) and (b), Health and Safety
5 Code, as amended by S.B. 31, Acts of the 89th Legislature, Regular
6 Session, 2025, are amended to read as follows:

7 (a) The prohibitions and requirements under Sections
8 171.043, 171.044, and 171.045(b) do not apply to an abortion
9 performed if, in the physician's reasonable medical judgment, the
10 abortion:

11 (1) is necessary due to:

12 (A) a medical emergency;

13 (B) a lethal fetal anomaly or diagnosis; or

14 (C) a life-limiting diagnosis indicating the
15 existence of a fetus outside a womb is incompatible with life
16 without extraordinary medical interventions; and

17 (2) necessitates, as applicable:

18 (A) ~~[(1)]~~ the immediate abortion of her
19 pregnancy without the delay necessary to determine the probable
20 post-fertilization age of the unborn child;

21 (B) ~~[(2)]~~ the abortion of her pregnancy even
22 though the post-fertilization age of the unborn child is 20 or more
23 weeks; or

24 (C) ~~[(3)]~~ the use of a method of abortion other
25 than a method described by Section 171.045(b).

26 (b) A physician may not take an action authorized under
27 Subsection (a)(1)(A) ~~[(a)]~~ if the medical emergency arises from a

1 claim or diagnosis that the woman will engage in conduct that may
2 result in her death or in substantial and irreversible physical
3 impairment of a major bodily function.

4 SECTION 4. Section 171.205, Health and Safety Code, is
5 amended by adding Subsection (a-1) to read as follows:

6 (a-1) Sections 171.203 and 171.204 do not apply to an
7 abortion performed or induced by a person in accordance with an
8 exception provided by Section 170A.002.

9 SECTION 5. Section 245.016, Health and Safety Code, as
10 amended by S.B. 31, Acts of the 89th Legislature, Regular Session,
11 2025, is amended to read as follows:

12 Sec. 245.016. ABORTION IN UNLICENSED ABORTION FACILITY TO
13 PREVENT DEATH OR SERIOUS IMPAIRMENT. (a) It is an exception to the
14 application of Section 245.014 that the abortion was performed in
15 an unlicensed abortion facility due to:

16 (1) a medical emergency described by Section
17 170A.002(b)(2);

18 (2) a lethal fetal anomaly or diagnosis; or

19 (3) a life-limiting diagnosis indicating the
20 existence of a fetus outside a womb is incompatible with life
21 without extraordinary medical interventions.

22 (b) In this section, the term "unlicensed abortion
23 facility" does not include an individual or entity to which funds
24 appropriated by the legislature in the general appropriations act
25 are prohibited from being distributed.

26 SECTION 6. Section 164.052(d), Occupations Code, as added
27 by S.B. 31, Acts of the 89th Legislature, Regular Session, 2025, is

amended to read as follows:

(d) This section may not be construed to prohibit, and the board may not take action against a physician regarding, the performance of an abortion in accordance with an exception provided [~~response to a medical emergency described~~] by Section 170A.002 [~~170A.002(b)(2)~~], Health and Safety Code.

SECTION 7. Section 165.152(e), Occupations Code, as added by S.B. 31, Acts of the 89th Legislature, Regular Session, 2025, is amended to read as follows:

(e) It is an exception to the application of Subsection (a) if the person is a physician who performs, induces, or attempts an abortion due to:

(1) a medical emergency described by Section 170A.002(b)(2), Health and Safety Code;

(2) a lethal fetal anomaly or diagnosis; or

(3) a life-limiting diagnosis indicating the existence of a fetus outside a womb is incompatible with life without extraordinary medical interventions.

SECTION 8. Article 4512.6(a), Chapter 6-1/2, Title 71, Vernon's Civil Statutes, as added by S.B. 31, Acts of the 89th Legislature, Regular Session, 2025, is amended to read as follows:

(a) It is an exception to the application of this chapter that an abortion is procured, performed, or attempted due to:

(1) a medical emergency;

(2) a lethal fetal anomaly or diagnosis; or

(3) a life-limiting diagnosis indicating the existence of a fetus outside a womb is incompatible with life

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1 without extraordinary medical interventions.

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