

BILL ANALYSIS

Senate Research Center

S.B. 33
By: Campbell et al.
State Affairs
6/5/2025
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, "abortion providers" may no longer commit legal abortion within the state. Even if they did, cities would be prohibited from engaging in business with them. However, cities have found a way to use taxpayer money to support abortion while skirting the law. Instead, they are giving money to entities that aid or abet abortions in some form but are not directly abortion providers themselves. So far, Austin has directly spent money to this end while the San Antonio city council has repeatedly attempted this blatant misuse of Texan taxpayer funds. Other cities are likely to follow suit without legislation that prohibits such actions explicitly.

S.B. 33 would ensure taxpayer funds are not used to indirectly support or facilitate out-of-state abortion services by explicitly prohibiting governmental transactions with abortion assistance entities. S.B. 33 accomplishes this by expanding the definition of "abortion assistance entities" to include any organization or individual that provides financial support, travel arrangements, childcare, or other logistical services that facilitate access to abortions. Additionally, S.B. 33 empowers the Office of the Attorney General, state residents, or individuals within a political subdivision to initiate legal action against any entity engaging in prohibited transactions, with provisions for recovering misused funds, court costs, and attorney's fees.

S.B. 33 amends current law relating to certain prohibited transactions and logistical support between a governmental entity and an abortion assistance entity or abortion provider for the procurement of an abortion or related services.

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. Amends Section 2273.001, Government Code, by adding Subdivision (1-a) to define "abortion assistance entity" and amending Subdivision (2) to redefine "abortion provider."

SECTION 2. Amends Section 2273.003(a), Government Code, by adding Section 2273.003(a), as follows:

(a) Prohibits a governmental entity, except as provided by Subsection (b) (relating to providing that Section 2273.003 (Abortion Provider and Affiliate Transactions Prohibited; Exception) does not apply to certain taxpayer resource transactions subject to conflicting federal law), from entering into a taxpayer resource transaction with an abortion provider or an affiliate of an abortion provider or an abortion assistance entity for the purpose of providing an abortion or abortion assistance. Makes nonsubstantive changes.

SECTION 3. Amends Chapter 2273, Government Code, by adding Section 2273.0031, as follows:

Sec. 2273.0031. LOGISTICAL SUPPORT PROHIBITED. (a) Prohibits a governmental entity, except as provided by Subsection (b), from entering into a taxpayer resource

transaction or appropriating or spending money to provide to any person logistical support for the express purpose of assisting a woman with procuring an abortion or the services of an abortion provider. Provides that logistical support includes providing money for certain services.

(b) Provides that this section does not apply to a taxpayer resource transaction entered into or money appropriated or spent by a governmental entity that is subject to a federal law in conflict with Subsection (a) as determined by the executive commissioner of the Health and Human Services Commission and confirmed in writing by the attorney general.

SECTION 4. Amends Section 2273.004, Government Code, as follows:

Sec. 2273.004. New heading: CIVIL REMEDY; WAIVER OF IMMUNITY. (a) Provides that the attorney general is authorized to bring an action against any party, other than the woman who may procure or procures an abortion, to the actual or proposed prohibited transaction, appropriation, or expenditure, as applicable, of a governmental entity that violates or is seeking to violate certain sections of the Government Code and is entitled to recover in the action declaratory relief; injunctive relief that terminates and reimburses any value conferred by the prohibited transaction, appropriation, or expenditure and enjoins the party from entering into a prohibited transaction, appropriation, or expenditure in the future; court costs; and reasonable attorney's fees.

Deletes existing text authorizing the attorney general to bring an action in the name of the state to enjoin a violation of Section 2273.003 (Abortion Provider and Affiliate Transactions Prohibited; Exception). Deletes existing text authorizing the attorney general to recover reasonable attorney's fees and costs incurred in bringing an action under this subsection.

(b) Provides that sovereign or governmental immunity, as applicable, of a governmental entity to suit and from liability is waived and abolished to the extent of liability created by Subsection (a).

(c) Provides that, notwithstanding any other law, a court is prohibited from awarding costs or attorney's fees under Rule 91a, Texas Rules of Civil Procedure, or under another rule the supreme court adopts under Section 22.004(g) to any defendant against whom an action is brought under this section, and certain chapters of Civil Practice and Remedies Code do not apply to an action brought under this section.

SECTION 5. Severability clause.

SECTION 6. Effective date: September 1, 2025.