

BILL ANALYSIS

S.B. 1388
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Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Last session, the legislature enacted S.B. 24 to improve pregnancy and family intervention focused programs and place them under one state agency. This effort has driven efficiencies and built a "continuum of care" to support women and at-risk families who are facing an unintended pregnancy. The bill codified the former "Alternatives to Abortion" program and renamed it "Thriving Texas Families." It continued grant funding to providers that serve families by promoting healthy pregnancy and childbirth, adoption, family formation, and assistance to help Texas families thrive. Historically, the program provided grants to nonprofit organizations that were contractually restricted from providing abortion services or affiliated with organizations that facilitated, referred, or advocated for abortion services. For clarification and consistency, S.B. 1388 ensures that the Thriving Texas Families Program continues its pro-life mission and that organizations that have collaborations with or legal connections to entities that promote abortion are not eligible for funding. The bill also sets program guardrails to focus on the core mission. S.B. 1388 clarifies that private entities focused primarily on medical or mental health care, governmental entities, and quasi-governmental entities are ineligible for Thriving Texas Families funds.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 6 of this bill.

ANALYSIS

S.B. 1388 amends the Health and Safety Code to require the Thriving Texas Families Program (TTF) established under the Health and Human Services Commission (HHSC) to provide an alternative to abortion through life-affirming pregnancy, adoption, and parenting and family support services. The bill requires HHSC, in developing the statewide network of service providers for purposes of the TTF Program, to ensure that service providers are not associated with an abortion services provider and do not provide, refer patients to, advocate for, or promote abortion services by verifying the provider remains a legally separate entity from any abortion services provider and does not do any of the following:

- enter into any legal relationship with any abortion services provider;
- contract with or transfer any money, through gift or payment, to an abortion services provider or affiliate;
- share any employees or members of its governing body with an abortion services provider or affiliate;
- recommend abortion as an option for a client; or

- display or use the names or trademarks of an abortion services provider in describing or naming the provider under the TTF Program.

The bill requires each network contractor and service provider to annually certify in writing to HHSC that the network contractor or service provider upholds the life-affirming mission of the TTF Program and is not involved in activities contradicting the TTF Program's objective of offering an alternative to abortion.

S.B. 1388 includes assistance in identifying and applying for stable housing services other than housing provided through a maternity home among the services the TTF Program must provide. The bill prohibits HHSC or network contractors from providing any abortion-related services through the network. With respect to the requirement that HHSC identify indicators to measure the performance outcomes of service providers and require periodic reporting on the outcomes by network contractors and participating service providers, the bill specifies that HHSC must seek comments from network providers in identifying those indicators.

S.B. 1388 prohibits HHSC and a service provider from granting funds to an abortion services provider. The bill makes an organization ineligible for funding under the TTF Program if the organization meets any of the following criteria:

- is a governmental entity or quasi-governmental entity;
- is a hospital or hospital district;
- primarily functions as a medical, behavioral health, or mental health provider;
- shares any employees or members of its governing body with an abortion services provider; or
- is affiliated with, collaborates, or has a relationship with an organization that shares any employees or members of its governing body with an abortion services provider.

That provision, with respect to an organization that is a hospital or hospital district or primarily functions as a medical, behavioral health, or mental health provider, does not apply to an organization that contracted with HHSC before September 1, 2023, for the purpose of providing an alternative to abortion, or an organization that subcontracted with such an organization for that purpose.

S.B. 1388 requires the executive commissioner of HHSC, as soon as practicable after the bill's effective date, to adopt rules as necessary to implement the bill's provisions.

S.B. 1388 defines the following terms for purposes of the TTF Program:

- "abortion services provider" as a person who provides abortion-related services, including:
 - an abortion provider;
 - a person who provides or refers an individual for abortion-inducing drugs for the purposes of inducing an abortion to terminate a pregnancy;
 - a person who facilitates or funds travel to receive an abortion or abortion-related services;
 - a person who provides information or education relating to abortion or abortion-related services; or
 - a person who conducts any other activity related to providing, recommending, or advocating for abortion-related services;
- "affiliate" as a person who enters into with another person a legal relationship created or governed by at least one written instrument, including a certificate of formation, a franchise agreement, standards of affiliation, bylaws, or a license, that demonstrates:
 - common ownership, management, or control between the parties to the relationship;
 - a franchise granted by the person to the affiliate; or
 - the granting or extension of a license or other agreement authorizing the affiliate to use the other person's brand name, trademark, service mark, or other registered identification mark; and

- "governmental entity" as the state or a state agency or political subdivision of the state, including a court, municipality, or county.

EFFECTIVE DATE

September 1, 2025.