

By: Cain

H.B. No. 3200

A BILL TO BE ENTITLED

AN ACT

1  
2 prohibiting certain transactions between governmental entities and  
3 abortion funds, as well as entities engaged in a pattern of  
4 racketeering activity as defined by federal law.

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

6 SECTION 1. Section 2273.001, Government Code, is amended to  
7 read as follows:

8 Sec. 2273.001. DEFINITIONS. In this chapter:

9 (1) "Abortion" has the meaning assigned by Section  
10 245.002, Health and Safety Code.

11 (2) "Abortion fund" means a person, corporation,  
12 organization, government or governmental subdivision or agency,  
13 business trust, estate, trust, partnership, association, or any  
14 other legal entity that exists for the purpose of aiding or abetting  
15 elective abortions, and that pays for, reimburses, or subsidizes in  
16 any way the costs associated with obtaining an elective abortion;

17 (3) "Abortion provider" means:

18 (A) a facility licensed under Chapter 245, Health  
19 and Safety Code; or

20 (B) an ambulatory surgical center licensed under  
21 Chapter 243, Health and Safety Code, that is used to perform more  
22 than 50 abortions in any 12-month period.

23 (4) ~~(3)~~ "Affiliate" means a person or entity who  
24 enters into with another person or entity a legal relationship

1 created or governed by at least one written instrument, including a  
2 certificate of formation, a franchise agreement, standards of  
3 affiliation, bylaws, or a license, that demonstrates:

4 (A) common ownership, management, or control  
5 between the parties to the relationship;

6 (B) a franchise granted by the person or entity  
7 to the affiliate; or

8 (C) the granting or extension of a license or  
9 other agreement authorizing the affiliate to use the other person's  
10 or entity's brand name, trademark, service mark, or other  
11 registered identification mark.

12 (5) [~~(4)~~] "Governmental entity" means this state, a  
13 state agency in the executive, judicial, or legislative branch of  
14 state government, or a political subdivision of this state.

15 (6) "Elective abortion" means any abortion other than  
16 those performed or induced in response to a medical emergency;

17 (7) "Medical emergency" means a condition in which an  
18 abortion is necessary to preserve the life of a pregnant woman whose  
19 life is endangered by a physical disorder, physical illness, or  
20 physical injury, including a life-endangering physical condition  
21 caused by or arising from the pregnancy itself;

22 (8) [~~(5)~~] "Taxpayer resource transaction" means a  
23 sale, purchase, lease, donation of money, goods, services, or real  
24 property, or any other transaction between a governmental entity  
25 and a private entity that provides to the private entity something  
26 of value derived from state or local tax revenue, regardless of  
27 whether the governmental entity receives something of value in

1 return. The term does not include the provision of basic public  
2 services, including fire and police protection and utilities, by a  
3 governmental entity to an abortion provider or affiliate in the  
4 same manner as the entity provides the services to the general  
5 public. The term includes advocacy or lobbying by or on behalf of a  
6 governmental entity on behalf of the interests of an abortion  
7 provider or affiliate, but does not include:

8 (A) an officer or employee of a governmental  
9 entity providing information to a member of the legislature or  
10 appearing before a legislative committee at the request of the  
11 member or committee;

12 (B) an elected official advocating for or against  
13 or otherwise influencing or attempting to influence the outcome of  
14 legislation pending before the legislature while acting in the  
15 capacity of an elected official; or

16 (C) an individual speaking as a private citizen  
17 on a matter of public concern.

18 SECTION 2. Section 2273.003, Government Code, is amended to  
19 read as follows:

20 Sec. 2273.003. ABORTION FUND, PROVIDER, AND AFFILIATE  
21 TRANSACTIONS PROHIBITED; EXCEPTION. (a) Except as provided by  
22 Subsection (b), a governmental entity may not enter into a taxpayer  
23 resource transaction with:

24 (1) an abortion fund;

25 (2) an abortion provider;

26 (3) [~~or~~] an affiliate of an abortion fund or an  
27 abortion provider; or

1           (4) any person or entity engaged in a pattern of  
2 racketeering activity as defined in 18 U.S.C. §§ 1961-1962,  
3 including:

4           (A) Racketeering activity that violates 18  
5 U.S.C. § 1461 by using the mails for the mailing, carriage in the  
6 mails, or delivery of:

7           (i) Any article or thing designed, adapted,  
8 or intended for producing abortion; or

9           (ii) Any article, instrument, substance,  
10 drug, medicine, or thing which is advertised or described in a  
11 manner calculated to lead another to use or apply it for producing  
12 abortion; and

13           (B) Racketeering activity that violates 18  
14 U.S.C. § 1462 by:

15           (i) Using any express company or other  
16 common carrier or interactive computer service for carriage in  
17 interstate or foreign commerce of any drug, medicine, article, or  
18 thing designed, adapted, or intended for producing abortion;

19           (ii) Knowingly taking or receiving, from  
20 such express company or other common carrier or interactive  
21 computer service, any matter or thing described in subsection  
22 (B)(i).

23           (b) This section does not apply to a taxpayer resource  
24 transaction that is subject to a federal law in conflict with  
25 Subsection (a) as determined by the executive commissioner of the  
26 Health and Human Services Commission and confirmed in writing by  
27 the attorney general.

1 SECTION 3. This Act takes effect September 1, 2025.