

By: Rodríguez Ramos

H.B. No. 3410

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of abortion and related matters and to the repeal of certain laws prohibiting abortion.

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

SECTION 1. Subchapter C, Chapter 311, Government Code, is amended by adding Section 311.037 to read as follows:

Sec. 311.037. CONSTRUCTION OF ABORTION STATUTES. (a) A statute regulating or prohibiting abortion may not be construed to:

(1) prohibit a person from providing direct or indirect assistance to an individual for traveling to any location to obtain an abortion; or

(2) authorize the imposition or incurrence of criminal, civil, or administrative penalties or liability on a pregnant individual on whom an abortion is performed, induced, or attempted.

(b) A statute regulating or prohibiting abortion:

(1) applies only to a fertilized egg or embryo implanted in a uterus at any point; and

(2) does not apply to the death of an unborn child resulting from an involuntary miscarriage following in vitro fertilization or similar assisted reproductive technology treatments and procedures.

SECTION 2. Section 171.005, Health and Safety Code, is amended to read as follows:

1           Sec. 171.005. COMMISSION TO ENFORCE [~~EXCEPTION~~]. The  
2 commission shall enforce this chapter [~~except for Subchapter H,~~  
3 ~~which shall be enforced exclusively through the private civil~~  
4 ~~enforcement actions described by Section 171.208 and may not be~~  
5 ~~enforced by the commission~~].

6           SECTION 3. Section 171.063(c), Health and Safety Code, is  
7 amended to read as follows:

8           (c) Before the physician provides an abortion-inducing  
9 drug, the physician must:

- 10           (1) examine the pregnant woman in person;
- 11           (2) independently verify that a pregnancy exists;
- 12           (3) document, in the woman's medical record, the  
13 gestational age and intrauterine location of the pregnancy to  
14 determine whether an ectopic pregnancy exists;
- 15           (4) determine the pregnant woman's blood type, and for  
16 a woman who is Rh negative, offer to administer Rh immunoglobulin  
17 (RhoGAM) at the time the abortion-inducing drug is administered or  
18 used or the abortion is performed or induced to prevent Rh  
19 incompatibility, complications, or miscarriage in future  
20 pregnancies;
- 21           (5) document whether the pregnant woman received  
22 treatment for Rh negativity, as diagnosed by the most accurate  
23 standard of medical care; and
- 24           (6) ensure the physician does not provide an  
25 abortion-inducing drug for a pregnant woman whose pregnancy is more  
26 than 70 [~~49~~] days of gestational age.

27           SECTION 4. Section 245.010(a), Health and Safety Code, is

1 amended to read as follows:

2 (a) The rules must contain minimum standards to protect the  
3 health and safety of a patient of an abortion facility [~~and must~~  
4 ~~contain provisions requiring compliance with the requirements of~~  
5 ~~Subchapter B, Chapter 171~~]. [~~On and after September 1, 2014, the~~  
6 ~~minimum standards for an abortion facility must be equivalent to~~  
7 ~~the minimum standards adopted under Section 243.010 for ambulatory~~  
8 ~~surgical centers.~~]

9 SECTION 5. Section 245.011(c), Health and Safety Code, is  
10 amended to read as follows:

11 (c) The report must include:

12 (1) whether the abortion facility at which the  
13 abortion is performed is licensed under this chapter;

14 (2) the patient's year of birth, race, marital status,  
15 and state and county of residence;

16 (3) the type of abortion procedure;

17 (4) the date the abortion was performed;

18 (5) whether the patient survived the abortion, and if  
19 the patient did not survive, the cause of death;

20 (6) the probable post-fertilization age of the unborn  
21 child based on the best medical judgment of the attending physician  
22 at the time of the procedure;

23 (7) the date, if known, of the patient's last menstrual  
24 cycle;

25 (8) the number of previous live births of the patient;

26 and

27 (9) the number of previous induced abortions of the

1 patient[+]

2 ~~[(10) whether the abortion was performed or induced~~  
3 ~~because of a medical emergency and any medical condition of the~~  
4 ~~pregnant woman that required the abortion; and~~

5 ~~[(11) the information required under Sections~~  
6 ~~171.008(a) and (c)].~~

7 SECTION 6. Title 14, Local Government Code, is amended by  
8 adding Subtitle C to read as follows:

9 SUBTITLE C. TRANSPORTATION PROVISIONS APPLYING TO MORE THAN ONE

10 TYPE OF LOCAL GOVERNMENT

11 CHAPTER 651. TRAVEL PROHIBITIONS

12 Sec. 651.001. TRAVEL PROHIBITIONS. A municipality or  
13 county may not adopt or enforce an ordinance, order, or other  
14 measure that prohibits the travel of a person through the  
15 municipality or county for the purpose of obtaining an abortion.

16 SECTION 7. Section 164.052(a), Occupations Code, is amended  
17 to read as follows:

18 (a) A physician or an applicant for a license to practice  
19 medicine commits a prohibited practice if that person:

20 (1) submits to the board a false or misleading  
21 statement, document, or certificate in an application for a  
22 license;

23 (2) presents to the board a license, certificate, or  
24 diploma that was illegally or fraudulently obtained;

25 (3) commits fraud or deception in taking or passing an  
26 examination;

27 (4) uses alcohol or drugs in an intemperate manner

1 that, in the board's opinion, could endanger a patient's life;

2 (5) commits unprofessional or dishonorable conduct  
3 that is likely to deceive or defraud the public, as provided by  
4 Section 164.053, or injure the public;

5 (6) uses an advertising statement that is false,  
6 misleading, or deceptive;

7 (7) advertises professional superiority or the  
8 performance of professional service in a superior manner if that  
9 advertising is not readily subject to verification;

10 (8) purchases, sells, barter, or uses, or offers to  
11 purchase, sell, barter, or use, a medical degree, license,  
12 certificate, or diploma, or a transcript of a license, certificate,  
13 or diploma in or incident to an application to the board for a  
14 license to practice medicine;

15 (9) alters, with fraudulent intent, a medical license,  
16 certificate, or diploma, or a transcript of a medical license,  
17 certificate, or diploma;

18 (10) uses a medical license, certificate, or diploma,  
19 or a transcript of a medical license, certificate, or diploma that  
20 has been:

21 (A) fraudulently purchased or issued;

22 (B) counterfeited; or

23 (C) materially altered;

24 (11) impersonates or acts as proxy for another person  
25 in an examination required by this subtitle for a medical license;

26 (12) engages in conduct that subverts or attempts to  
27 subvert an examination process required by this subtitle for a

1 medical license;

2 (13) impersonates a physician or permits another to  
3 use the person's license or certificate to practice medicine in  
4 this state;

5 (14) directly or indirectly employs a person whose  
6 license to practice medicine has been suspended, canceled, or  
7 revoked;

8 (15) associates in the practice of medicine with a  
9 person:

10 (A) whose license to practice medicine has been  
11 suspended, canceled, or revoked; or

12 (B) who has been convicted of the unlawful  
13 practice of medicine in this state or elsewhere;

14 (16) performs or procures a criminal abortion, aids or  
15 abets in the procuring of a criminal abortion, attempts to perform  
16 or procure a criminal abortion, or attempts to aid or abet the  
17 performance or procurement of a criminal abortion;

18 (17) directly or indirectly aids or abets the practice  
19 of medicine by a person, partnership, association, or corporation  
20 that is not licensed to practice medicine by the board;

21 (18) performs an abortion on a woman who is pregnant  
22 with a viable unborn child during the third trimester of the  
23 pregnancy unless:

24 (A) the abortion is necessary to prevent the  
25 death of the woman;

26 (B) the viable unborn child has a severe,  
27 irreversible brain impairment; or

1 (C) the woman is diagnosed with a significant  
2 likelihood of suffering imminent severe, irreversible brain damage  
3 or imminent severe, irreversible paralysis;

4 (19) performs an abortion on an unemancipated minor  
5 without the written consent of the child's parent, managing  
6 conservator, or legal guardian or without a court order, as  
7 provided by Section 33.003 or 33.004, Family Code, unless the  
8 abortion is necessary due to a medical emergency, as defined by  
9 Section 171.002, Health and Safety Code;

10 (20) otherwise performs an abortion on an  
11 unemancipated minor in violation of Chapter 33, Family Code;

12 (21) performs or induces or attempts to perform or  
13 induce an abortion in violation of Subchapter [~~C~~] F[~~T~~] or G,  
14 Chapter 171, Health and Safety Code;

15 (22) in complying with the procedures outlined in  
16 Sections 166.045 and 166.046, Health and Safety Code, wilfully  
17 fails to make a reasonable effort to transfer a patient to a  
18 physician who is willing to comply with a directive;

19 (23) performs or delegates to another individual the  
20 performance of a pelvic examination on an anesthetized or  
21 unconscious patient in violation of Section 167A.002, Health and  
22 Safety Code; or

23 (24) performs a gender transitioning or gender  
24 reassignment procedure or treatment in violation of Section  
25 161.702, Health and Safety Code.

26 SECTION 8. Section 164.055(b), Occupations Code, is amended  
27 to read as follows:

1 (b) The sanctions provided by Subsection (a) are in addition  
2 to any other grounds for refusal to admit persons to examination  
3 under this subtitle or to issue a license or renew a license to  
4 practice medicine under this subtitle. The criminal penalties  
5 provided by Section 165.152 do not apply to a violation of Section  
6 170.002, Health and Safety Code, or Subchapter [~~C~~] F[~~T~~] or G,  
7 Chapter 171, Health and Safety Code.

8 SECTION 9. The following provisions are repealed:

- 9 (1) Sections 30.022, 74.551, and 74.552, Civil  
10 Practice and Remedies Code;
- 11 (2) Section 311.036, Government Code;
- 12 (3) Chapter 170A, Health and Safety Code;
- 13 (4) Section 171.0031, Health and Safety Code;
- 14 (5) Section 171.008, Health and Safety Code;
- 15 (6) Subchapter C, Chapter 171, Health and Safety Code;
- 16 (7) Subchapter H, Chapter 171, Health and Safety Code;
- 17 (8) Section 164.055(c), Occupations Code;
- 18 (9) Section 9.35, Penal Code; and
- 19 (10) Chapter 6-1/2, Title 71, Revised Statutes.

20 SECTION 10. Section 311.037(b), Government Code, as added  
21 by this Act, is intended to clarify rather than change existing law.

22 SECTION 11. This Act takes effect September 1, 2025.