

By: Alvarado, et al.

S.B. No. 256

A BILL TO BE ENTITLED

AN ACT

relating to exceptions to and the repeal of certain laws prohibiting abortion.

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

SECTION 1. Section 170A.001(3), Health and Safety Code, is amended to read as follows:

(3) "Pregnant" means the ~~[female]~~ human reproductive condition of having an embryo or fetus develop ~~[a living unborn child]~~ within the human ~~[female's]~~ body ~~[during the entire embryonic and fetal stages of the unborn child's development from fertilization until birth]~~.

SECTION 2. Section 170A.002, Health and Safety Code, is amended by amending Subsections (b) and (d) and adding Subsection (e) to read as follows:

(b) It is an exception to the application of ~~[The prohibition under]~~ Subsection (a) that ~~[does not apply if]~~:

(1) the person performing, inducing, or attempting the abortion is a licensed physician; and

(2) in the physician's best ~~[exercise of reasonable]~~ medical judgment, the ~~[pregnant female on whom the]~~ abortion is:

(A) medically indicated;

(B) necessary to preserve the pregnant patient's life;

(C) necessary to preserve the pregnant patient's

1 physical or mental health, including preservation of the patient's
2 fertility;

3 (D) requested because of a lethal fetal anomaly
4 or diagnosis; or

5 (E) requested because of a life-limiting
6 diagnosis that indicates the existence of the fetus outside the
7 womb is incompatible with life without extraordinary medical
8 interventions [~~performed, induced, or attempted has a~~
9 ~~life-threatening physical condition aggravated by, caused by, or~~
10 ~~arising from a pregnancy that places the female at risk of death or~~
11 ~~poses a serious risk of substantial impairment of a major bodily~~
12 ~~function unless the abortion is performed or induced; and~~

13 [~~(3) the person performs, induces, or attempts the~~
14 ~~abortion in a manner that, in the exercise of reasonable medical~~
15 ~~judgment, provides the best opportunity for the unborn child to~~
16 ~~survive unless, in the reasonable medical judgment, that manner~~
17 ~~would create:~~

18 [~~(A) a greater risk of the pregnant female's~~
19 ~~death; or~~

20 [~~(B) a serious risk of substantial impairment of~~
21 ~~a major bodily function of the pregnant female].~~

22 (d) Medical treatment provided to the pregnant patient
23 [~~female~~] by a licensed health care provider [~~physician~~] that
24 results in the accidental or unintentional injury or death of the
25 embryo or fetus [~~unborn child~~] does not constitute a violation of
26 this section.

27 (e) Each abortion permitted under an exception provided by

1 this section must be considered independently by the treating
2 physician and the pregnant patient or the patient's health care
3 proxy. A medical review process may not override a determination by
4 a physician and a pregnant patient or the patient's health care
5 proxy to perform, induce, or attempt an abortion permitted under an
6 exception provided by this section.

7 SECTION 3. Section 170A.003, Health and Safety Code, is
8 amended to read as follows:

9 Sec. 170A.003. CONSTRUCTION OF CHAPTER. This chapter may
10 not be construed to authorize the imposition of criminal, civil, or
11 administrative liability or penalties on a pregnant patient
12 [~~female~~] on whom an abortion is performed, induced, or attempted.

13 SECTION 4. The heading to Section 171.205, Health and
14 Safety Code, is amended to read as follows:

15 Sec. 171.205. EXCEPTIONS [~~EXCEPTION FOR MEDICAL~~
16 ~~EMERGENCY~~]; RECORDS.

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

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

22 SECTION 6. Section 171.206(b), Health and Safety Code, is
23 amended to read as follows:

24 (b) This subchapter may not be construed to:

25 (1) authorize the initiation of a cause of action
26 against or the prosecution of a pregnant patient [~~woman~~] on whom an
27 abortion is performed or induced or attempted to be performed or

1 induced in violation of this subchapter;

2 (2) wholly or partly repeal, either expressly or by
3 implication, any other statute that regulates or prohibits
4 abortion[~~, including Chapter 6-1/2, Title 71, Revised Statutes~~]; or

5 (3) restrict a political subdivision from regulating
6 or prohibiting abortion in a manner that is at least as stringent as
7 the laws of this state.

8 SECTION 7. Section 171.207(b), Health and Safety Code, is
9 amended to read as follows:

10 (b) Subsection (a) may not be construed to:

11 (1) legalize the conduct prohibited by this subchapter
12 [~~or by Chapter 6-1/2, Title 71, Revised Statutes~~];

13 (2) limit in any way or affect the availability of a
14 remedy established by Section 171.208; or

15 (3) limit the enforceability of any other laws that
16 regulate or prohibit abortion.

17 SECTION 8. The following provisions are repealed:

18 (1) Sections 170A.001(2) and 170A.002(c), Health and
19 Safety Code; and

20 (2) Chapter 6-1/2, Title 71, Revised Statutes.

21 SECTION 9. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2025.