

By: Johnson

S.B. No. 1521

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the regulation of abortion and related matters,
3 including the repeal of certain abortion laws, a deposition request
4 before filing certain civil actions, and municipal or county
5 authority to prohibit movement.

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

7 SECTION 1. Chapter 20, Civil Practice and Remedies Code, is
8 amended by adding Section 20.003 to read as follows:

9 Sec. 20.003. DEPOSITION REQUEST BEFORE FILING ACTION. (a)
10 Subject to Subsection (b), a person may petition a court for an
11 order authorizing the conduct of a deposition on oral examination
12 or written questions to:

13 (1) perpetuate or obtain the person's own testimony or
14 another person's testimony for use in an anticipated action; or

15 (2) investigate a potential claim or action.

16 (b) A person may not petition the court for a deposition
17 described by Subsection (a) if the person has not sustained or will
18 not reasonably expect to sustain actual damages in the person's
19 anticipated or potential claim or action.

20 (c) A person who files a petition in violation of this
21 section is liable to each person attempted to be deposed in the
22 petition for that person's attorney's fees incurred in defending
23 against the petition.

24 (d) Notwithstanding Section 22.004, Government Code, this

1 section may not be modified or repealed by a rule adopted by the
2 supreme court.

3 SECTION 2. The heading to Section 151.002, Family Code, is
4 amended to read as follows:

5 Sec. 151.002. RIGHTS OF A LIVING CHILD AFTER AN ABORTION OR
6 PREMATURE BIRTH[~~, CIVIL PENALTY, CRIMINAL OFFENSE~~].

7 SECTION 3. Section 311.036, Government Code, is amended by
8 adding Subsection (d) to read as follows:

9 (d) A statute regulating or prohibiting abortion may not be
10 construed to authorize the imposition or incurrence of criminal,
11 civil, or administrative penalties or liability on a pregnant
12 individual on whom an abortion is performed, induced, or attempted.

13 SECTION 4. Section 170.002(c), Health and Safety Code, is
14 amended to read as follows:

15 (c) A physician who performs an abortion that, according to
16 the physician's best medical judgment at the time of the abortion,
17 is to abort a viable unborn child during the third trimester of the
18 pregnancy shall certify in writing to the commission, on a form
19 prescribed by the commission, the medical indications supporting
20 the physician's judgment that the abortion was authorized by
21 Subsection (b)(2) or (3). [~~If the physician certifies the abortion~~
22 ~~was authorized by Subsection (b)(3), the physician shall certify in~~
23 ~~writing on the form the fetal abnormality identified by the~~
24 ~~physician.~~] The certification must be made not later than the 30th
25 day after the date the abortion was performed.

26 SECTION 5. Subchapter A, Chapter 171, Health and Safety
27 Code, is amended by adding Section 171.009 to read as follows:

1 Sec. 171.009. TRAVEL ASSISTANCE TO OBTAIN ABORTION OUTSIDE
2 STATE. Notwithstanding any other law, a person may provide to an
3 individual direct or indirect assistance for traveling outside of
4 this state to obtain an abortion.

5 SECTION 6. Section 171.061, Health and Safety Code, is
6 amended by adding Subdivision (3) and amending Subdivision (8-a) to
7 read as follows:

8 (3) "Final printed label" means the informational
9 document the United States Food and Drug Administration approves
10 for an abortion-inducing drug that:

11 (A) outlines the protocol authorized by that
12 agency and agreed to by the drug company applying for authorization
13 of the drug by that agency; and

14 (B) delineates the manner in which a drug is to be
15 used according to approval by that agency.

16 (8-a) "Provide" means, as used with regard to
17 abortion-inducing drugs, any act of giving, selling, dispensing,
18 administering, [~~transferring possession,~~] or otherwise providing
19 or prescribing an abortion-inducing drug.

20 SECTION 7. Subchapter D, Chapter 171, Health and Safety
21 Code, is amended by adding Section 171.0611 to read as follows:

22 Sec. 171.0611. EFFECT OF OTHER LAWS; LOCAL REGULATION. (a)
23 Notwithstanding any other law, a physician may provide an
24 abortion-inducing drug to a pregnant individual in accordance with
25 this subchapter. To the extent a provision of this subchapter
26 conflicts with any other law, this subchapter controls.

27 (b) A political subdivision may not adopt or enforce an

1 ordinance, order, or other measure that conflicts with this
2 section.

3 SECTION 8. Section 171.063, Health and Safety Code, is
4 amended by amending Subsections (a), (c), and (e) and adding
5 Subsection (b) to read as follows:

6 (a) A person may not knowingly provide an abortion-inducing
7 drug to a pregnant woman for the purpose of inducing an abortion in
8 the pregnant woman or enabling another person to induce an abortion
9 in the pregnant woman unless:

10 (1) the person who provides the abortion-inducing drug
11 is a physician; and

12 (2) except as otherwise provided by Subsection (b),
13 the provision of the abortion-inducing drug satisfies the protocol
14 tested and authorized by the United States Food and Drug
15 Administration as outlined in the final printed label of the
16 abortion-inducing drug [this subchapter].

17 (b) A person may provide the abortion-inducing drug in the
18 dosage amount the clinical management guidelines prescribe in the
19 American College of Obstetricians and Gynecologists Practice
20 Bulletin as those guidelines existed on January 1, 2013.

21 (c) Before the physician provides an abortion-inducing
22 drug, the physician must:

23 (1) examine the pregnant woman [~~in person~~]; and

24 (2) [~~independently verify that a pregnancy exists,~~

25 [~~3~~] document, in the woman's medical record, the
26 gestational age and intrauterine location of the pregnancy [~~to~~
27 ~~determine whether an ectopic pregnancy exists,~~

1 ~~[(4) determine the pregnant woman's blood type, and~~
2 ~~for a woman who is Rh negative, offer to administer Rh~~
3 ~~immunoglobulin (RhoGAM) at the time the abortion-inducing drug is~~
4 ~~administered or used or the abortion is performed or induced to~~
5 ~~prevent Rh incompatibility, complications, or miscarriage in~~
6 ~~future pregnancies;~~

7 ~~[(5) document whether the pregnant woman received~~
8 ~~treatment for Rh negativity, as diagnosed by the most accurate~~
9 ~~standard of medical care; and~~

10 ~~[(6) ensure the physician does not provide an~~
11 ~~abortion-inducing drug for a pregnant woman whose pregnancy is more~~
12 ~~than 49 days of gestational age].~~

13 (e) A physician who provides the abortion-inducing drug, or
14 the physician's agent, must schedule a follow-up visit for the
15 woman to occur not later than the 14th day after the administration
16 ~~[earliest date on which the abortion-inducing drug is administered]~~
17 or use of the abortion-inducing drug ~~[used or the abortion is~~
18 ~~performed or induced]~~. At the follow-up visit, the physician must:

19 (1) confirm that the woman's pregnancy is completely
20 terminated; and

21 (2) assess any continued blood loss.

22 SECTION 9. 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 woman on whom an abortion is
27 performed or induced or attempted to be performed or induced in

1 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 10. 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 11. Section 171.208, Health and Safety Code, is
18 amended by adding Subsection (a-1) to read as follows:

19 (a-1) A civil action under Subsection (a)(2) or (3) may not
20 be brought against a person for providing or intending to provide to
21 an individual direct or indirect assistance for traveling outside
22 of this state to obtain an abortion.

23 SECTION 12. Title 14, Local Government Code, is amended by
24 adding Subtitle C to read as follows:

1 SUBTITLE C. TRANSPORTATION PROVISIONS APPLYING TO MORE THAN ONE

2 TYPE OF LOCAL GOVERNMENT

3 CHAPTER 651. TRAVEL PROHIBITIONS

4 Sec. 651.001. TRAVEL PROHIBITIONS. A municipality or
5 county may not adopt or enforce an ordinance, order, or other
6 measure that prohibits the travel of a person through the
7 municipality or county based on any purpose for the travel.

8 SECTION 13. The following provisions are repealed:

9 (1) Subchapter L, Chapter 74, Civil Practice and
10 Remedies Code;

11 (2) Sections 151.002(c), (d), (e), (f), and (g),
12 Family Code;

13 (3) Section 2273.005, Government Code;

14 (4) Chapter 170A, Health and Safety Code;

15 (5) Section 171.006, Health and Safety Code, as added
16 by Chapter 4 (H.B. 13), Acts of the 85th Legislature, First Called
17 Session, 2017;

18 (6) Section 171.006, Health and Safety Code, as added
19 by Chapter 9 (H.B. 215), Acts of the 85th Legislature, First Called
20 Session, 2017;

21 (7) Section 171.061(2-a), Health and Safety Code;

22 (8) Section 171.063(b-1), Health and Safety Code;

23 (9) Section 171.0631, Health and Safety Code;

24 (10) Section 171.0632, Health and Safety Code;

25 (11) Section 171.065, Health and Safety Code;

26 (12) Section 171.066, Health and Safety Code;

27 (13) Chapter 1218, Insurance Code;

1 (14) Subtitle M, Title 8, Insurance Code;

2 (15) Section 9.35, Penal Code; and

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

4 SECTION 14. The changes in law made by this Act apply only
5 to an abortion performed or induced on or after the effective date
6 of this Act. An abortion performed or induced before the effective
7 date of this Act is governed by the law applicable to the abortion
8 immediately before the effective date of this Act, and that law is
9 continued in effect for that purpose.

10 SECTION 15. (a) Except as otherwise provided by this
11 section, the changes in law made by this Act apply only to an
12 offense committed on or after the effective date of this Act. An
13 offense committed before the effective date of this Act is governed
14 by the law in effect on the date the offense was committed, and the
15 former law is continued in effect for that purpose. For purposes of
16 this section, an offense was committed before the effective date of
17 this Act if any element of the offense occurred before that date.

18 (b) An offense under Section 171.065, Health and Safety
19 Code, as repealed by this Act, or Chapter 6-1/2, Title 71, Revised
20 Statutes, as repealed by this Act, may not be prosecuted after the
21 effective date of this Act. If on the effective date of this Act a
22 criminal action is pending for an offense under one of those
23 provisions, the action is dismissed on that date. However, a final
24 conviction for an offense under those provisions that exists on the
25 effective date of this Act is unaffected by this Act.

26 SECTION 16. This Act takes effect September 1, 2025.