

1-1 By: Hughes, et al. S.B. No. 2880
 1-2 (In the Senate - Filed March 14, 2025; March 19, 2025, read
 1-3 first time and referred to Committee on State Affairs;
 1-4 April 23, 2025, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 10, Nays 1; April 23, 2025,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			
1-19		X		

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 2880 By: Paxton

1-21 A BILL TO BE ENTITLED
 1-22 AN ACT

1-23 relating to abortion, including civil liability for distribution of
 1-24 abortion-inducing drugs; making conforming changes and harmonizing
 1-25 conforming provisions; authorizing a private civil right of action.
 1-26 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-27 SECTION 1. This Act shall be known as the Women and Child
 1-28 Protection Act.
 1-29 SECTION 2. Subtitle H, Title 2, Health and Safety Code, is
 1-30 amended by adding Chapter 171A to read as follows:
 1-31 CHAPTER 171A. ABORTION-INDUCING DRUGS AND FACILITATION OF
 1-32 ABORTION; ENFORCEMENT OF ABORTION LAWS
 1-33 SUBCHAPTER A. GENERAL PROVISIONS
 1-34 Sec. 171A.001. DEFINITIONS. In this chapter:
 1-35 (1) "Abortion" has the meaning assigned by Section
 1-36 245.002.
 1-37 (2) "Abortion-inducing drug" has the meaning assigned
 1-38 by Section 171.061.
 1-39 (3) "Abortion provider" means a person that performs
 1-40 elective abortions.
 1-41 (4) "Elective abortion" means an abortion performed or
 1-42 induced by a licensed physician that is not performed or induced in
 1-43 response to a medical emergency.
 1-44 (5) "Information content provider" means a person who
 1-45 is responsible, wholly or partly, for the creation or development
 1-46 of information provided through the Internet or any other
 1-47 interactive computer service.
 1-48 (6) "Interactive computer service" means an
 1-49 information service, system, or access software provider that
 1-50 provides or enables computer access by multiple users to a computer
 1-51 server, including specifically a service or system providing access
 1-52 to the Internet and such systems operated or services offered by
 1-53 libraries or educational institutions. The term does not include:
 1-54 (A) an Internet service provider or the
 1-55 provider's affiliates or subsidiaries;
 1-56 (B) a search engine; or
 1-57 (C) a cloud service provider that solely provides
 1-58 access or connection to or from an Internet website or other
 1-59 information or content on the Internet or on a facility, system, or
 1-60 network that is not under the provider's control, including

2-1 transmission, downloading, intermediate storage, access software,
2-2 or other services.

2-3 (7) "Medical emergency" has the meaning assigned by
2-4 Section 171.002.

2-5 Sec. 171A.002. CONSTRUCTION OF CHAPTER RELATED TO
2-6 LIABILITY. This chapter may not be construed to impose liability on
2-7 the speech or conduct of:

2-8 (1) an Internet service provider or the provider's
2-9 affiliates or subsidiaries;

2-10 (2) a search engine; or

2-11 (3) a cloud service provider that solely provides
2-12 access or connection to or from an Internet website or other
2-13 information or content on the Internet or on a facility, system, or
2-14 network that is not under the provider's control, including
2-15 transmission, downloading, intermediate storage, access software,
2-16 or other services.

2-17 SUBCHAPTER B. PROTECTION FROM ABORTION-INDUCING DRUGS

2-18 Sec. 171A.051. PROHIBITIONS RELATED TO ABORTION-INDUCING
2-19 DRUGS. (a) Except as provided by Subsection (b), a person may not:

2-20 (1) manufacture or distribute an abortion-inducing
2-21 drug in this state; or

2-22 (2) mail, transport, deliver, prescribe, or provide an
2-23 abortion-inducing drug in any manner to any person or location in
2-24 this state.

2-25 (b) Notwithstanding any other law, Subsection (a) does not
2-26 prohibit:

2-27 (1) speech or conduct protected by the First Amendment
2-28 to the United States Constitution, as made applicable to the states
2-29 through the United States Supreme Court's interpretation of the
2-30 Fourteenth Amendment to the United States Constitution or protected
2-31 by Section 8, Article I, Texas Constitution;

2-32 (2) conduct this state is prohibited from regulating
2-33 under the Texas Constitution or federal law, including the United
2-34 States Constitution;

2-35 (3) conduct of a pregnant woman who aborts or seeks to
2-36 abort the woman's unborn child;

2-37 (4) the possession, distribution, mailing, transport,
2-38 delivery, or provision of an abortion-inducing drug for a purpose
2-39 that does not include performing, inducing, attempting, or
2-40 assisting an abortion;

2-41 (5) the possession, distribution, mailing, transport,
2-42 delivery, or provision of an abortion-inducing drug for the purpose
2-43 of enabling a licensed physician to treat a pregnant woman during a
2-44 medical emergency;

2-45 (6) the possession of an abortion-inducing drug for
2-46 purposes of entrapping a person that violates this section; or

2-47 (7) conduct engaged in by a person under the direction
2-48 of a federal agency, contractor, or employee to carry out a duty
2-49 under federal law, if prohibiting that conduct would violate the
2-50 doctrine of preemption or intergovernmental immunity.

2-51 Sec. 171A.052. EXCLUSIVE ENFORCEMENT; EFFECT OF OTHER LAW.

2-52 (a) Notwithstanding any other law, this subchapter may only be
2-53 enforced through a qui tam or private civil action brought under
2-54 Subchapter C, D, or E.

2-55 (b) No other direct or indirect enforcement of this
2-56 subchapter may be taken or threatened by this state, a political
2-57 subdivision of this state, a district or county attorney, or any
2-58 officer or employee of this state or a political subdivision of this
2-59 state against any person, by any means whatsoever, and no violation
2-60 of this subchapter may be used to justify or trigger the enforcement
2-61 of any other law or any type of adverse consequence under any other
2-62 law, except as provided in Subchapter C, D, or E.

2-63 (c) This section does not preclude or limit the enforcement
2-64 of any other law or regulation against conduct that is
2-65 independently prohibited by the other law or regulation and that
2-66 would remain prohibited by the other law or regulation in the
2-67 absence of this subchapter.

2-68 SUBCHAPTER C. CIVIL LIABILITY FOR DISTRIBUTION OF
2-69 ABORTION-INDUCING DRUGS

3-1 Sec. 171A.101. CIVIL ACTION FOR DISTRIBUTION OF
3-2 ABORTION-INDUCING DRUGS. (a) Notwithstanding any other law and
3-3 except as provided by this subchapter, a person who manufactures,
3-4 distributes, mails, prescribes, or provides an abortion-inducing
3-5 drug, or who engages in any conduct prohibited by Section 171A.051
3-6 is strictly, absolutely, and jointly and severally liable for:
3-7 (1) the wrongful death of an unborn child or pregnant
3-8 woman from the use of the abortion-inducing drug; and
3-9 (2) personal injury of an unborn child or pregnant
3-10 woman from the use of the abortion-inducing drug.
3-11 (b) A claimant may not bring an action under this section if
3-12 the action is preempted by 47 U.S.C. Section 230(c).
3-13 (c) A person who engages in conduct described by Subsection
3-14 (a) is liable for damages resulting from the death or personal
3-15 injury sustained by an unborn child or pregnant woman if the
3-16 person's conduct contributed in any way to the death or injury,
3-17 regardless of whether the person's conduct was the actual or
3-18 proximate cause of the death or injury.
3-19 (d) Notwithstanding any other law, the mother or father of
3-20 an unborn child may bring a civil action under this section for the
3-21 wrongful death of the unborn child from the use of an
3-22 abortion-inducing drug, regardless of whether the other parent
3-23 brings a civil action for the wrongful death. The biological father
3-24 of an unborn child may bring the action regardless of whether the
3-25 father was married to the unborn child's mother at the time of the
3-26 unborn child's conception or death.
3-27 (e) Notwithstanding any other law, a civil action may not be
3-28 brought under this section:
3-29 (1) against the woman who used or sought to obtain
3-30 abortion-inducing drugs to abort or attempt to abort her unborn
3-31 child;
3-32 (2) against a person that acted under the direction of
3-33 a federal agency, contractor, or employee who is carrying out
3-34 duties under federal law if the imposition of liability would
3-35 violate the doctrine of preemption or intergovernmental immunity;
3-36 or
3-37 (3) by any person who impregnated the woman who used
3-38 abortion-inducing drugs through conduct constituting sexual
3-39 assault under Section 22.011, Penal Code, or aggravated sexual
3-40 assault under Section 22.021, Penal Code, or by another person who
3-41 acts in concert or participation with that person.
3-42 (f) Notwithstanding any other law, including rules of civil
3-43 procedure adopted under Chapter 26, Civil Practice and Remedies
3-44 Code, an action brought under this section may not be litigated on
3-45 behalf of a claimant class or a defendant class, and a court may not
3-46 certify a class in the action.
3-47 Sec. 171A.102. DEFENSES. (a) It is an affirmative defense
3-48 to an action brought under Section 171A.101 that the defendant:
3-49 (1) was unaware the defendant was engaged in the
3-50 conduct described by Section 171A.101(a); and
3-51 (2) took every reasonable precaution to ensure the
3-52 defendant would not manufacture, distribute, mail, prescribe, or
3-53 provide or aid or abet the manufacture, distribution, mailing,
3-54 prescription, or provision of abortion-inducing drugs.
3-55 (b) A defendant has the burden of proving an affirmative
3-56 defense under Subsection (a) by a preponderance of the evidence.
3-57 (c) Notwithstanding any other law, the following are not a
3-58 defense to an action brought under Section 171A.101:
3-59 (1) ignorance or mistake of law;
3-60 (2) a defendant's belief the requirements or
3-61 provisions of this chapter are unconstitutional or were
3-62 unconstitutional;
3-63 (3) a defendant's reliance on a court decision that has
3-64 been vacated, reversed, or overruled on appeal or by a subsequent
3-65 court, even if the court decision had not been vacated, reversed, or
3-66 overruled when the cause of action accrued;
3-67 (4) a defendant's reliance on a state or federal court
3-68 decision that is not binding on the court in which the action has
3-69 been brought;

4-1 (5) a defendant's reliance on a federal statute,
 4-2 agency rule or action, or treaty that has been repealed,
 4-3 superseded, or declared invalid or unconstitutional, even if the
 4-4 federal statute, agency rule or action, or treaty had not been
 4-5 repealed, superseded, or declared invalid or unconstitutional when
 4-6 the cause of action accrued;

4-7 (6) the laws of another state or jurisdiction,
 4-8 including an interstate abortion shield law, unless the Texas
 4-9 Constitution or federal law, including the United States
 4-10 Constitution, compels the court to enforce that law;

4-11 (7) non-mutual issue preclusion or non-mutual claim
 4-12 preclusion;

4-13 (8) the consent of the claimant or the unborn child's
 4-14 mother to the abortion;

4-15 (9) contributory or comparative negligence;

4-16 (10) assumption of risk;

4-17 (11) entrapment;

4-18 (12) lack of actual or proximate cause;

4-19 (13) sovereign immunity, governmental immunity, or
 4-20 official immunity; or

4-21 (14) a claim that the enforcement of this chapter or
 4-22 the imposition of civil liability against the defendant will
 4-23 violate the constitutional or federally protected rights of third
 4-24 parties, except as provided by Section 171A.251.

4-25 Sec. 171A.103. MARKET-SHARE LIABILITY. Notwithstanding
 4-26 any other law, if a claimant who brings an action under Section
 4-27 171A.101 is unable to identify the specific manufacturer of the
 4-28 abortion-inducing drug that caused the death or injury that is the
 4-29 basis for the action, the liability is apportioned among all
 4-30 manufacturers of abortion-inducing drugs in proportion to each
 4-31 manufacturer's share of the national market for abortion-inducing
 4-32 drugs at the time the death or injury occurred.

4-33 Sec. 171A.104. STATUTE OF LIMITATIONS. Notwithstanding any
 4-34 other law, a person may bring an action under Section 171A.101 not
 4-35 later than the sixth anniversary of the date the cause of action
 4-36 accrues.

4-37 Sec. 171A.105. WAIVER PROHIBITED. Notwithstanding any
 4-38 other law, a waiver or purported waiver of the right to bring an
 4-39 action under Section 171A.101 is void as against public policy and
 4-40 is not enforceable in any court.

4-41 Sec. 171A.106. OTHER DEFENSES. Notwithstanding any other
 4-42 law, this subchapter does not impose liability for:

4-43 (1) death or personal injury resulting from an
 4-44 abortion performed or induced by a licensed physician in response
 4-45 to a medical emergency;

4-46 (2) speech or conduct protected by the First Amendment
 4-47 to the United States Constitution, as made applicable to the states
 4-48 through the United States Supreme Court's interpretation of the
 4-49 Fourteenth Amendment to the United States Constitution, or
 4-50 protected by Section 8, Article I, Texas Constitution;

4-51 (3) conduct this state is prohibited from regulating
 4-52 under the Texas Constitution or federal law, including the United
 4-53 States Constitution;

4-54 (4) conduct of a pregnant woman who aborts or seeks to
 4-55 abort her unborn child;

4-56 (5) the possession, distribution, mailing, transport,
 4-57 delivery, or provision of an abortion-inducing drug for the purpose
 4-58 of enabling a licensed physician to treat a pregnant woman during a
 4-59 medical emergency; or

4-60 (6) conduct a person engages in under the direction of
 4-61 a federal agency, contractor, or employee to carry out a duty under
 4-62 federal law, if a prohibition on that conduct would violate the
 4-63 doctrine of preemption or intergovernmental immunity.

4-64 Sec. 171A.107. JURISDICTION; APPLICABILITY OF STATE LAW.

4-65 (a) Notwithstanding any other law, including Subchapter C, Chapter
 4-66 17, Civil Practice and Remedies Code, the courts of this state have
 4-67 personal jurisdiction over a defendant sued under Section 171A.101
 4-68 to the maximum extent permitted by the Fourteenth Amendment to the
 4-69 United States Constitution and the defendant may be served outside

5-1 this state.
 5-2 (b) Notwithstanding any other law, the law of this state
 5-3 applies to the use of an abortion-inducing drug by a resident of
 5-4 this state, regardless of where the use of the drug occurs, and to
 5-5 an action brought under Section 171A.101 to the maximum extent
 5-6 permitted by the Texas Constitution and federal law, including the
 5-7 United States Constitution.
 5-8 (c) Notwithstanding any other law, any contractual
 5-9 choice-of-law provision that requires or purports to require
 5-10 application of the laws of a different jurisdiction is void based on
 5-11 this state's public policy and is not enforceable in any court.
 5-12 (d) Notwithstanding any other law, Chapters 27 and 110,
 5-13 Civil Practice and Remedies Code, do not apply to an action brought
 5-14 under Section 171A.101.
 5-15 Sec. 171A.108. COORDINATED ENFORCEMENT PROHIBITED. (a)
 5-16 Notwithstanding any other law, this state, a political subdivision
 5-17 of this state, or an officer or employee of this state or a
 5-18 political subdivision of this state may not:
 5-19 (1) act in concert or participation with a claimant
 5-20 bringing an action under Section 171A.101;
 5-21 (2) establish or attempt to establish any type of
 5-22 agency or fiduciary relationship with a claimant bringing an action
 5-23 under Section 171A.101;
 5-24 (3) attempt to control or influence a person's
 5-25 decision to bring an action under Section 171A.101 or that person's
 5-26 conduct of the litigation; or
 5-27 (4) intervene in an action brought under Section
 5-28 171A.101.
 5-29 (b) This section does not prohibit this state, a political
 5-30 subdivision of this state, or an officer or employee of this state
 5-31 or a political subdivision of this state from filing an amicus
 5-32 curiae brief in an action brought under Section 171A.101 if the
 5-33 state, political subdivision, officer, or employee does not act in
 5-34 concert or participation with the claimant who brings the action.
 5-35 SUBCHAPTER D. QUI TAM ENFORCEMENT OF PROHIBITIONS RELATING TO
 5-36 ABORTION-INDUCING DRUGS
 5-37 Sec. 171A.151. QUI TAM ACTION AUTHORIZED. (a) Except as
 5-38 provided by this section, a person, other than a political
 5-39 subdivision of this state or an officer or employee of a political
 5-40 subdivision of this state, has standing to bring and may bring a qui
 5-41 tam action against a person who:
 5-42 (1) violates Section 171A.051; or
 5-43 (2) intends to violate Section 171A.051.
 5-44 (b) An action brought under this section must be brought in
 5-45 the name of the qui tam relator and of the state.
 5-46 (c) A qui tam relator may not bring an action under this
 5-47 section if the action is preempted by 47 U.S.C. Section 230(c).
 5-48 (d) Notwithstanding any other law, a qui tam action may not
 5-49 be brought under this section:
 5-50 (1) against the woman who used or sought to obtain
 5-51 abortion-inducing drugs to abort or attempt to abort her unborn
 5-52 child;
 5-53 (2) against a person that acted under the direction of
 5-54 a federal agency, contractor, or employee who is carrying out
 5-55 duties under federal law if the imposition of liability would
 5-56 violate the doctrine of preemption or intergovernmental immunity;
 5-57 (3) against a common carrier that:
 5-58 (A) transports a pregnant woman or other
 5-59 passenger to an abortion provider; and
 5-60 (B) is unaware the passenger is traveling to an
 5-61 abortion provider; or
 5-62 (4) by any person who impregnated the woman who used or
 5-63 sought to obtain abortion-inducing drugs through conduct
 5-64 constituting sexual assault under Section 22.011, Penal Code, or
 5-65 aggravated sexual assault under Section 22.021, Penal Code, or by
 5-66 another person who acts in concert or participation with that
 5-67 person.
 5-68 (e) Notwithstanding any other law, including rules of civil
 5-69 procedure adopted under Chapter 26, Civil Practice and Remedies

6-1 Code, an action brought under this section may not be litigated on
6-2 behalf of a claimant class or a defendant class, and a court may not
6-3 certify a class in the action.

6-4 Sec. 171A.152. DEFENSES. (a) It is an affirmative defense
6-5 to an action brought under Section 171A.151 that the defendant:

6-6 (1) was unaware the defendant was engaged in the
6-7 conduct prohibited by Section 171A.051; and

6-8 (2) took every reasonable precaution to ensure the
6-9 defendant would not violate Section 171A.051.

6-10 (b) A defendant has the burden of proving an affirmative
6-11 defense under Subsection (a) by a preponderance of the evidence.

6-12 (c) Notwithstanding any other law, the following are not a
6-13 defense to an action brought under Section 171A.151:

6-14 (1) ignorance or mistake of law;

6-15 (2) a defendant's belief the requirements or
6-16 provisions of this chapter are unconstitutional or were
6-17 unconstitutional;

6-18 (3) a defendant's reliance on a court decision that has
6-19 been vacated, reversed, or overruled on appeal or by a subsequent
6-20 court, even if the court decision had not been vacated, reversed, or
6-21 overruled when the cause of action accrued;

6-22 (4) a defendant's reliance on a state or federal court
6-23 decision that is not binding on the court in which the action has
6-24 been brought;

6-25 (5) a defendant's reliance on a federal statute,
6-26 agency rule or action, or treaty that has been repealed,
6-27 superseded, or declared invalid or unconstitutional, even if the
6-28 federal statute, agency rule or action, or treaty had not been
6-29 repealed, superseded, or declared invalid or unconstitutional when
6-30 the cause of action accrued;

6-31 (6) the laws of another state or jurisdiction,
6-32 including an interstate abortion shield law, unless the Texas
6-33 Constitution or federal law, including the United States
6-34 Constitution, compels the court to enforce that law;

6-35 (7) non-mutual issue preclusion or non-mutual claim
6-36 preclusion;

6-37 (8) entrapment;

6-38 (9) sovereign immunity, governmental immunity, or
6-39 official immunity; or

6-40 (10) a claim that the enforcement of this chapter or
6-41 the imposition of civil liability against the defendant will
6-42 violate the constitutional or federally protected rights of third
6-43 parties, except as provided by Section 171A.251.

6-44 Sec. 171A.153. STATUTE OF LIMITATIONS. Notwithstanding any
6-45 other law, a person may bring an action under Section 171A.151 not
6-46 later than the sixth anniversary of the date the cause of action
6-47 accrues.

6-48 Sec. 171A.154. REMEDIES. (a) Except as provided by
6-49 Subsection (b), if a qui tam relator prevails in an action brought
6-50 under Section 171A.151, the court shall award to the relator:

6-51 (1) injunctive relief sufficient to prevent the
6-52 defendant from violating Section 171A.051;

6-53 (2) statutory damages in an amount of not less than
6-54 \$100,000 for each violation of Section 171A.051; and

6-55 (3) costs and reasonable attorney's fees.

6-56 (b) A court may not award relief under Subsection (a)(2) or
6-57 (a)(3) in response to a violation of Section 171A.051 if the
6-58 defendant demonstrates that a court already ordered the defendant
6-59 to pay damages under Subsection (a)(2) in another action for that
6-60 particular violation.

6-61 (c) Notwithstanding any other law, a court may not award
6-62 costs or attorney's fees to a defendant against whom an action is
6-63 brought under Section 171A.151.

6-64 Sec. 171A.155. CONSTRUCTION OF SUBCHAPTER RELATED TO FIRST
6-65 AMENDMENT PROTECTIONS. This subchapter may not be construed to
6-66 impose liability on speech or conduct protected by the First
6-67 Amendment to the United States Constitution, as made applicable to
6-68 the states through the United States Supreme Court's interpretation
6-69 of the Fourteenth Amendment to the United States Constitution, or

7-1 protected by Section 8, Article I, Texas Constitution.
7-2 Sec. 171A.156. COORDINATED ENFORCEMENT PROHIBITED. (a)
7-3 Notwithstanding any other law, a political subdivision of this
7-4 state or an officer or employee of a political subdivision of this
7-5 state may not:

7-6 (1) act in concert or participation with a qui tam
7-7 relator bringing an action under Section 171A.151;

7-8 (2) establish or attempt to establish any type of
7-9 agency or fiduciary relationship with a qui tam relator bringing an
7-10 action under Section 171A.151;

7-11 (3) attempt to control or influence a person's
7-12 decision to bring an action under Section 171A.151 or that person's
7-13 conduct of the litigation; or

7-14 (4) intervene in an action brought under Section
7-15 171A.151.

7-16 (b) This section does not prohibit a political subdivision
7-17 of this state or an officer or employee of a political subdivision
7-18 of this state from filing an amicus curiae brief in an action
7-19 brought under Section 171A.151 if the political subdivision,
7-20 officer, or employee does not act in concert or participation with
7-21 the qui tam relator.

7-22 Sec. 171A.157. JURISDICTION; APPLICABILITY OF STATE LAW.

7-23 (a) Notwithstanding any other law, including Subchapter C, Chapter
7-24 17, Civil Practice and Remedies Code, the courts of this state have
7-25 personal jurisdiction over a defendant sued under Section 171A.151
7-26 to the maximum extent permitted by the Fourteenth Amendment to the
7-27 United States Constitution and the defendant may be served outside
7-28 this state.

7-29 (b) Notwithstanding any other law, the law of this state
7-30 applies to an action brought under Section 171A.151 to the maximum
7-31 extent permitted by the Texas Constitution or federal law,
7-32 including the United States Constitution.

7-33 (c) Notwithstanding any other law, any contractual
7-34 choice-of-law provision that requires or purports to require
7-35 application of the laws of a different jurisdiction is void based on
7-36 this state's public policy and is not enforceable in any court.

7-37 (d) Notwithstanding any other law, Chapters 27 and 110,
7-38 Civil Practice and Remedies Code, do not apply to an action brought
7-39 under Section 171A.151.

7-40 SUBCHAPTER E. PROVISIONS GENERALLY APPLICABLE TO CIVIL LIABILITY
7-41 FOR FACILITATING ABORTION

7-42 Sec. 171A.251. AFFIRMATIVE DEFENSE. (a) A defendant
7-43 against whom an action is brought under Section 171A.101 or
7-44 171A.151 may assert an affirmative defense to liability under this
7-45 section if:

7-46 (1) the imposition of civil liability on the defendant
7-47 will violate the defendant's personal constitutional or federally
7-48 protected rights;

7-49 (2) the defendant:

7-50 (A) has standing to assert the rights of a third
7-51 party under the tests for third-party standing established by the
7-52 United States Supreme Court; and

7-53 (B) demonstrates the imposition of civil
7-54 liability on the defendant will violate constitutional or federally
7-55 protected rights belonging to a third party;

7-56 (3) the imposition of civil liability on the defendant
7-57 will violate the defendant's rights under the Texas Constitution;
7-58 or

7-59 (4) the imposition of civil liability on the defendant
7-60 would violate the limits on extraterritorial jurisdiction imposed
7-61 by the United States Constitution or the Texas Constitution.

7-62 (b) The defendant has the burden of proving an affirmative
7-63 defense described by Subsection (a) by a preponderance of the
7-64 evidence.

7-65 Sec. 171A.252. CONSTRUCTION OF CHAPTER WITH RESPECT TO
7-66 CIVIL LIABILITY AND ENFORCEMENT. This chapter may not be construed
7-67 to limit or preclude a defendant from asserting the
7-68 unconstitutionality of any provision or application of the laws of
7-69 this state as a defense to liability under Section 171A.101 or

8-1 171A.151 from asserting any other defense that might be available
8-2 under any other source of law.

8-3 Sec. 171A.253. APPLICATION OF OTHER LAW. (a)
8-4 Notwithstanding any other law, a court may not apply the law of
8-5 another state or jurisdiction to any civil or qui tam action brought
8-6 under Section 171A.101 or 171A.151 unless the Texas Constitution or
8-7 federal law, including the United States Constitution, compels it
8-8 to do so.

8-9 (b) Notwithstanding any other law, any contractual
8-10 choice-of-law provision that requires or purports to require
8-11 application of the laws of a different jurisdiction is void based on
8-12 this state's public policy and is not enforceable in any court.

8-13 Sec. 171A.254. VENUE. (a) Notwithstanding any other law,
8-14 including Chapter 15, Civil Practice and Remedies Code, a civil or
8-15 qui tam action brought under Section 171A.101 or 171A.151 may be
8-16 brought in:

8-17 (1) the county in which all or a substantial part of
8-18 the events or omissions giving rise to the claim occurred;

8-19 (2) the county of a defendant's residence at the time
8-20 the cause of action accrued if a defendant is an individual;

8-21 (3) the county of the principal office in this state of
8-22 a defendant that is not an individual; or

8-23 (4) the county of the claimant's residence if the
8-24 claimant is an individual residing in this state.

8-25 (b) If a civil or qui tam action is brought under Section
8-26 171A.101 or 171A.151 in a venue described by Subsection (a), the
8-27 action may not be transferred to a different venue without the
8-28 written consent of all parties.

8-29 (c) Notwithstanding any other law, any contractual
8-30 choice-of-forum provision that requires or purports to require a
8-31 civil or qui tam action under Sections 171A.101 or 171A.151 to be
8-32 litigated in a particular forum is void based on this state's public
8-33 policy and is not enforceable in any court.

8-34 Sec. 171A.255. PROTECTION FROM COUNTER ACTIONS. If an
8-35 action is brought against a person or a judgment is entered against
8-36 a person based wholly or partly on the person's decision to bring or
8-37 threat to bring an action under Section 171A.101 or 171A.151 the
8-38 person may recover damages from the claimant who brought the action
8-39 or obtained the judgment or who has sought to enforce the judgment.
8-40 The damages must include:

8-41 (1) compensatory damages created by the action or
8-42 judgment, including money damages in an amount of the judgment and
8-43 costs, expenses, and reasonable attorney's fees spent in defending
8-44 the action;

8-45 (2) costs, expenses, and reasonable attorney's fees
8-46 incurred in bringing an action under this section; and

8-47 (3) additional statutory damages in an amount of not
8-48 less than \$100,000.

8-49 SUBCHAPTER F. PROVISIONS RELATING TO ENFORCEMENT OF ABORTION LAWS

8-50 Sec. 171A.351. DEFINITION. In this subchapter, "criminal
8-51 abortion law" means any law of this state imposing criminal
8-52 penalties on abortion, including Chapter 6-1/2, Title 71, Revised
8-53 Statutes.

8-54 Sec. 171A.352. ATTORNEY GENERAL ACTION FOR VIOLATION OF
8-55 CERTAIN ABORTION LAWS. (a) The attorney general has parens patriae
8-56 standing to bring an action under this section on behalf of unborn
8-57 children of residents of this state.

8-58 (b) The attorney general may bring a civil action for
8-59 damages or injunctive relief on behalf of an unborn child of a
8-60 resident of this state against a person who violates any criminal
8-61 abortion law of this state except for Subchapter H, Chapter 171, or
8-62 Subchapter B, C, D, or E of this chapter.

8-63 Sec. 171A.353. FEE SHIFTING. (a) Notwithstanding any
8-64 other law, a person, including an entity, attorney, or law firm, who
8-65 seeks declaratory or injunctive relief to prevent a person,
8-66 including this state, a political subdivision of this state, or an
8-67 officer, employee, or agent of this state or a political
8-68 subdivision of this state, from enforcing or bringing an action to
8-69 enforce a law, including a statute, ordinance, rule, or regulation,

9-1 that regulates or restricts abortion or that limits taxpayer
 9-2 funding for persons that perform or promote abortions in any state
 9-3 or federal court, or who represents a litigant seeking such relief
 9-4 in any state or federal court, is jointly and severally liable to
 9-5 pay the costs and reasonable attorney's fees of the prevailing
 9-6 party in the action seeking declaratory or injunctive relief,
 9-7 including the costs and reasonable attorney's fees that the
 9-8 prevailing party incurs in its efforts to recover costs and fees.

9-9 (b) For purposes of this section, a party is considered a
 9-10 prevailing party if:

9-11 (1) a state or federal court dismisses a claim or cause
 9-12 of action brought against the party by a litigant that seeks the
 9-13 declaratory or injunctive relief described by Subsection (a),
 9-14 regardless of the reason for the dismissal;

9-15 (2) a state or federal court enters judgment in the
 9-16 party's favor on that claim or cause of action; or

9-17 (3) the litigant that seeks the declaratory or
 9-18 injunctive relief described by Subsection (a) voluntarily
 9-19 dismisses or nonsuits its claims against the party under Rule 41,
 9-20 Federal Rules of Civil Procedure, Rule 162, Texas Rules of Civil
 9-21 Procedure, or any other procedural rule.

9-22 (c) A prevailing party may recover costs and reasonable
 9-23 attorney's fees under this section only to the extent that those
 9-24 costs and attorney's fees were incurred while defending claims or
 9-25 causes of action on which the party prevailed.

9-26 (d) Regardless of whether a prevailing party sought to
 9-27 recover costs or attorney's fees in the underlying action, a
 9-28 prevailing party under this section may bring a civil action to
 9-29 recover costs and attorney's fees against a person, including an
 9-30 entity, attorney, or law firm, who sought declaratory or injunctive
 9-31 relief described by Subsection (a) not later than the third
 9-32 anniversary of the date on which, as applicable:

9-33 (1) the dismissal or judgment described by Subsection
 9-34 (b) becomes final on the conclusion of appellate review; or

9-35 (2) the time for seeking appellate review expires.

9-36 (e) It is not a defense to a civil action brought under
 9-37 Subsection (d) that:

9-38 (1) a prevailing party under this section failed to
 9-39 seek recovery of costs or attorney's fees in the underlying action;

9-40 (2) the court in the underlying action declined to
 9-41 recognize or enforce this section; or

9-42 (3) the court in the underlying action held that any
 9-43 provisions of this section are invalid, unconstitutional, or
 9-44 preempted by federal law, notwithstanding the doctrine of issue or
 9-45 claim preclusion.

9-46 (f) Notwithstanding any other law, including Chapter 15,
 9-47 Civil Practice and Remedies Code, a civil action brought under
 9-48 Subsection (d) may be brought in:

9-49 (1) the county in which all or a substantial part of
 9-50 the events or omissions giving rise to the claim occurred;

9-51 (2) the county of residence of a defendant at the time
 9-52 the cause of action accrued, if the defendant is an individual;

9-53 (3) the county of the principal office in this state of
 9-54 a defendant that is not an individual; or

9-55 (4) the county of residence of the claimant, if the
 9-56 claimant is an individual residing in this state.

9-57 (g) If a civil action is brought under Subsection (d) in a
 9-58 venue described by Subsection (f), the action may not be
 9-59 transferred to a different venue without the written consent of all
 9-60 parties.

9-61 (h) Notwithstanding any other law, any contractual
 9-62 choice-of-forum provision that purports to require a civil action
 9-63 under Subsection (d) be litigated in another forum is void based on
 9-64 this state's public policy and is not enforceable in any state or
 9-65 federal court.

9-66 SUBCHAPTER G. IMMUNITY AND LIMITS ON STATE-COURT JURISDICTION

9-67 Sec. 171A.401. SOVEREIGN, GOVERNMENTAL, AND OFFICIAL
 9-68 IMMUNITY. (a) Notwithstanding any other law, the state has
 9-69 sovereign immunity, a political subdivision of this state has

10-1 governmental immunity, and an officer or employee of this state or a
 10-2 political subdivision of this state has official immunity in an
 10-3 action, claim, counterclaim, or any other type of legal or
 10-4 equitable action that:

10-5 (1) challenges the validity of any provision or
 10-6 application of this chapter, on constitutional grounds or
 10-7 otherwise; or

10-8 (2) seeks to prevent or enjoin this state, a political
 10-9 subdivision of this state, or an officer, employee, or agent of this
 10-10 state or a political subdivision of this state from:

10-11 (A) enforcing any provision or application of
 10-12 this chapter; or

10-13 (B) filing, hearing, adjudicating, or docketing
 10-14 an action brought under Section 171A.101 or 171A.151.

10-15 (b) Sovereign immunity conferred by this section includes
 10-16 the constitutional sovereign immunity recognized by the United
 10-17 States Supreme Court, which applies in both state and federal court
 10-18 and may not be abrogated by Congress or by a state or federal court
 10-19 except under congressional legislation authorized by:

10-20 (1) Section 5 of the Fourteenth Amendment, United
 10-21 States Constitution;

10-22 (2) the Bankruptcy Clause of Article I, United States
 10-23 Constitution;

10-24 (3) Congress's powers to raise and support armies and
 10-25 to provide and maintain a navy; or

10-26 (4) any other congressional power that the United
 10-27 States Supreme Court recognizes as a ground for abrogating a
 10-28 state's sovereign immunity.

10-29 Sec. 171A.402. APPLICABILITY OF IMMUNITY. Notwithstanding
 10-30 any other law, the immunities conferred by Section 171A.401 apply
 10-31 in every court, both state and federal, and in every type of
 10-32 adjudicative proceeding.

10-33 Sec. 171A.403. CONSTRUCTION OF CHAPTER RELATED TO ASSERTED
 10-34 DEFENSE. This chapter may not be construed to prevent a litigant
 10-35 from asserting the invalidity or unconstitutionality of a provision
 10-36 or application of this chapter as a defense to an action, claim, or
 10-37 counterclaim brought against the litigant.

10-38 Sec. 171A.404. WAIVER OF IMMUNITY. (a) Notwithstanding
 10-39 any other law, a provision of the laws of this state may not be
 10-40 construed to waive or abrogate an immunity conferred by Section
 10-41 171A.401 unless it expressly waives or abrogates immunity with
 10-42 specific reference to that section.

10-43 (b) Notwithstanding any other law, an attorney representing
 10-44 the state, a political subdivision of this state, or an officer or
 10-45 employee of this state or a political subdivision of this state may
 10-46 not waive an immunity conferred by Section 171A.401 or take an
 10-47 action that would result in a waiver of that immunity. A purported
 10-48 waiver or action described by this subsection is considered void
 10-49 and an ultra vires act.

10-50 Sec. 171A.405. JURISDICTION. Notwithstanding any other
 10-51 law, including Chapter 37, Civil Practice and Remedies Code, a
 10-52 court of this state does not have jurisdiction to consider and may
 10-53 not award relief under any action, claim, or counterclaim that:

10-54 (1) seeks declaratory or injunctive relief, or any
 10-55 type of writ, including a writ of prohibition, that would pronounce
 10-56 any provision or application of this chapter invalid or
 10-57 unconstitutional; or

10-58 (2) would restrain a person, including this state, a
 10-59 political subdivision of this state, or an officer, employee, or
 10-60 agent of this state or a political subdivision of this state, from:

10-61 (A) enforcing any provision or application of
 10-62 this chapter; or

10-63 (B) filing, hearing, adjudicating, or docketing
 10-64 an action brought under Section 171A.101 or 171A.151.

10-65 Sec. 171A.406. EFFECT OF CONTRARY JUDICIAL ACTIONS. (a)
 10-66 Notwithstanding any other law, judicial relief issued by a court of
 10-67 this state that disregards the immunity conferred by Section
 10-68 171A.401 or the limits on jurisdiction or permissible relief
 10-69 described by Section 171A.405:

11-1 (1) is considered void because a court without
 11-2 jurisdiction issued the relief; and

11-3 (2) may not be enforced or obeyed by an officer,
 11-4 employee, or agent, including a judicial official, of this state or
 11-5 a political subdivision of this state.

11-6 (b) Notwithstanding any other law, a writ, injunction, or
 11-7 declaratory judgment issued by a court of this state that purports
 11-8 to restrain a person, including this state, a political subdivision
 11-9 of this state, or an officer or employee of this state or a
 11-10 political subdivision of this state, from hearing, adjudicating,
 11-11 docketing, or filing an action brought under Section 171A.101 or
 11-12 171A.151:

11-13 (1) is considered void and a violation of the Due
 11-14 Process Clause of the Fourteenth Amendment to the United States
 11-15 Constitution; and

11-16 (2) may not be enforced or obeyed by an officer,
 11-17 employee, or agent, including a judicial official, of this state or
 11-18 a political subdivision of this state.

11-19 Sec. 171A.407. LIABILITY FOR VIOLATION. (a)
 11-20 Notwithstanding any other law, a person may bring an action against
 11-21 an officer, employee, or agent, including a judicial official, of
 11-22 this state or a political subdivision of this state, who issues,
 11-23 enforces, or obeys a writ, injunction, or declaratory judgment
 11-24 described by Section 171A.406(b) if the writ, injunction, or
 11-25 judgment prevents or delays the person from bringing an action
 11-26 under Section 171A.101 or 171A.151.

11-27 (b) A claimant who prevails in an action brought under this
 11-28 section is entitled to:

- 11-29 (1) injunctive relief;
 11-30 (2) compensatory damages;
 11-31 (3) exemplary damages of not less than \$100,000; and
 11-32 (4) costs and reasonable attorney's fees.

11-33 (c) Notwithstanding any other law, in an action brought
 11-34 under this section, a person who violates Section 171A.405 or
 11-35 171A.406(b):

11-36 (1) may not assert and is not entitled to any type of
 11-37 immunity defense, including sovereign immunity, governmental
 11-38 immunity, official immunity, or judicial immunity;

11-39 (2) may not be indemnified for an award of damages or
 11-40 costs and attorney's fees entered against the person or for the
 11-41 costs of the person's legal defense; and

11-42 (3) may not receive or obtain legal representation
 11-43 from the attorney general.

11-44 SECTION 3. Section 27.010(a), Civil Practice and Remedies
 11-45 Code, is amended to read as follows:

11-46 (a) This chapter does not apply to:

11-47 (1) an enforcement action that is brought in the name
 11-48 of this state or a political subdivision of this state by the
 11-49 attorney general, a district attorney, a criminal district
 11-50 attorney, or a county attorney;

11-51 (2) a legal action brought against a person primarily
 11-52 engaged in the business of selling or leasing goods or services, if
 11-53 the statement or conduct arises out of the sale or lease of goods,
 11-54 services, or an insurance product, insurance services, or a
 11-55 commercial transaction in which the intended audience is an actual
 11-56 or potential buyer or customer;

11-57 (3) a legal action seeking recovery for bodily injury,
 11-58 wrongful death, or survival or to statements made regarding that
 11-59 legal action;

11-60 (4) a legal action brought under the Insurance Code or
 11-61 arising out of an insurance contract;

11-62 (5) a legal action arising from an officer-director,
 11-63 employee-employer, or independent contractor relationship that:

11-64 (A) seeks recovery for misappropriation of trade
 11-65 secrets or corporate opportunities; or

11-66 (B) seeks to enforce a non-disparagement
 11-67 agreement or a covenant not to compete;

11-68 (6) a legal action filed under Title 1, 2, 4, or 5,
 11-69 Family Code, or an application for a protective order under

12-1 Subchapter A, Chapter 7B, Code of Criminal Procedure;
12-2 (7) a legal action brought under Chapter 17, Business
12-3 & Commerce Code, other than an action governed by Section 17.49(a)
12-4 of that chapter;

12-5 (8) a legal action in which a moving party raises a
12-6 defense pursuant to Section 160.010, Occupations Code, Section
12-7 161.033, Health and Safety Code, or the Health Care Quality
12-8 Improvement Act of 1986 (42 U.S.C. 11101 et seq.);

12-9 (9) an eviction suit brought under Chapter 24,
12-10 Property Code;

12-11 (10) a disciplinary action or disciplinary proceeding
12-12 brought under Chapter 81, Government Code, or the Texas Rules of
12-13 Disciplinary Procedure;

12-14 (11) a legal action brought under Chapter 554,
12-15 Government Code;

12-16 (12) a legal action based on a common law fraud claim;
12-17 [~~or~~]

12-18 (13) a legal malpractice claim brought by a client or
12-19 former client;

12-20 (14) an action brought under Chapter 170, 170A, 171,
12-21 or 171A, Health and Safety Code, or a petition for the taking of a
12-22 deposition under Rule 202, Texas Rules of Civil Procedure, to
12-23 investigate a potential claim or in anticipation of an action under
12-24 those chapters; or

12-25 (15) an action brought under Section 30.022.

12-26 SECTION 4. Chapter 110, Civil Practice and Remedies Code,
12-27 is amended by adding Section 110.013 to read as follows:

12-28 Sec. 110.013. LAWS REGULATING OR RESTRICTING ABORTION NOT
12-29 AFFECTED. Nothing in this chapter may be construed to limit the
12-30 scope or enforcement of Chapter 170, 170A, 171, or 171A, Health and
12-31 Safety Code, or Chapter 6-1/2, Title 71, Revised Statutes, or any
12-32 other law that regulates or restricts abortion or that withholds
12-33 taxpayer funds from entities that perform or promote abortions.

12-34 SECTION 5. Subchapter H, Chapter 171, Health and Safety
12-35 Code, is amended by adding Section 171.2105 to read as follows:

12-36 Sec. 171.2105. JURISDICTION. Notwithstanding any other
12-37 law, including Chapter 37, Civil Practice and Remedies Code, a
12-38 court of this state does not have jurisdiction to consider and may
12-39 not award relief under any action, claim, or counterclaim that
12-40 seeks declaratory or injunctive relief, or any type of writ,
12-41 including a writ of prohibition, that would pronounce any provision
12-42 or application of this subchapter invalid or unconstitutional.

12-43 SECTION 6. Chapter 171A, Health and Safety Code, as added by
12-44 this Act, applies only to a cause of action that accrues on or after
12-45 the effective date of this Act.

12-46 SECTION 7. Section 71.02(a), Penal Code, as reenacted and
12-47 amended by this Act, applies only to an offense committed on or
12-48 after the effective date of this Act. An offense committed before
12-49 the effective date of this Act is governed by the law in effect on
12-50 the date the offense was committed, and the former law is continued
12-51 in effect for that purpose. For purposes of this section, an
12-52 offense was committed before the effective date of this Act if any
12-53 element of the offense occurred before that date.

12-54 SECTION 8. It is the intent of the legislature that every
12-55 provision, section, subsection, sentence, clause, phrase, or word
12-56 in this Act, and every application of the provisions in this Act to
12-57 every person, group of persons, or circumstances, is severable from
12-58 each other. If any application of any provision in this Act to any
12-59 person, group of persons, or circumstances is found by a court to be
12-60 invalid for any reason, the remaining applications of that
12-61 provision to all other persons and circumstances shall be severed
12-62 and may not be affected.

12-63 SECTION 9. This Act takes effect September 1, 2025.

12-64 * * * * *