

BILL ANALYSIS

C.S.S.B. 920
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State Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The 78th Legislature, Regular Session, 2003, passed the Woman's Right to Know Act (H.B. 15) which, among other things, requires a doctor who is to perform an abortion or the physician's agent, to inform the woman that benefits may be available to help with medical care before, during, and after childbirth; and that the father is liable for assistance to the child whether or not he has offered to pay for an abortion; and that public and private agencies can provide pregnancy prevention counseling and medical referrals for obtaining pregnancy prevention medications or devices, including emergency contraception for victims of rape and incest.

C.S.S.B. 920 provides that consent to an abortion is voluntary and informed, except in the case of a medical emergency, only if an obstetric ultrasound is performed on the woman, provided to the woman, and reviewed with the woman on whom an abortion is to be performed. The bill requires the woman to certify in writing that she has been provided with and had the opportunity to review the ultrasound image. The bill provides that while the ultrasound image must be explained, the woman is not required to view the image, nor do penalties attach to the physician or the woman if she refuses to view the ultrasound image.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

ANALYSIS

C.S.S.B. 920 amends Section 171.012, Health and Safety Code, by amending Subsection (a) and adding Subsection (a-1) to provide that, except in the case of a medical emergency, consent to an abortion is voluntary and informed only if, among other things, the physician who is to perform the abortion or the physician's agent performs an obstetric ultrasound on the woman on whom the abortion is to be performed, provides the woman with an obstetric ultrasound image of the unborn child, and reviews the image of the unborn child with the woman who certifies in writing before the abortion is performed that she has been provided with and has had the opportunity to review the image.

Further, C.S.S.B. 920 requires the ultrasound images to be explained to the woman seeking the abortion, but provides that nothing in this section mandates her to look at or view the ultrasound images. Requires the physician or a certified technician working in conjunction with the physician to inform her that she is not required to look at the images. Prohibits the physician or woman from being penalized if the woman refuses to look at the presented images.

The change in law made by this Act to Section 171.012, Health and Safety Code, applies only to an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before that date. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

C.S.S.B. 920 80(R)

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute is a Texas Legislative Council draft. The substitute changes the original to correct a Section reference in SECTION 2 of the bill.