

By: Callegari

H.B. No. 21

A BILL TO BE ENTITLED

AN ACT

relating to a pregnant woman's completion of a resource awareness session before performance or inducement of an abortion; providing penalties.

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

SECTION 1. Chapter 171, Health and Safety Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. RESOURCE AWARENESS SESSION

Sec. 171.101. RESOURCE AWARENESS SESSION. (a) The Health and Human Services Commission, in consultation with the department and the Department of Family and Protective Services, shall:

(1) develop a resource awareness session of not more than three hours that provides information regarding:

(A) a pregnant woman's option to place her child for adoption;

(B) women's health before and during pregnancy;
and

(C) available resources for pregnant women and their children, including:

(i) the federal special supplemental nutrition program for women, infants, and children authorized by 42 U.S.C. Section 1786;

(ii) the supplemental nutrition assistance program under Chapter 33, Human Resources Code; and

1 (iii) information on selection of a
2 physician;

3 (2) make the session available at no cost to any person
4 who wishes to take the session on the commission's Internet website
5 in English, Spanish, and any other language the executive
6 commissioner determines appropriate; and

7 (3) provide a dated certificate of completion to each
8 person who completes the session.

9 (b) Except as provided by Section 171.102, a pregnant woman
10 may not obtain an abortion unless the woman completes the resource
11 awareness session described by Subsection (a) and submits the
12 certificate of completion to the physician performing or inducing
13 the abortion. The session must be completed not more than 30 days
14 and not less than 24 hours before the abortion is performed or
15 induced.

16 (c) Except as provided by Section 171.102, a physician may
17 not perform or induce an abortion on a pregnant woman without first
18 receiving from the woman a certificate of completion described by
19 Subsection (a)(3) for a resource awareness session completed by the
20 woman in the time authorized under Subsection (b).

21 (d) The executive commissioner of the Health and Human
22 Services Commission, in consultation with the department and the
23 Department of Family and Protective Services, shall adopt the rules
24 necessary to implement this subchapter, including rules to provide
25 pregnant minors with access to the resource awareness session.

26 Sec. 171.102. APPLICABILITY. This subchapter does not
27 apply to:

1 (1) an abortion performed or induced if there exists a
2 condition that, in the physician's reasonable medical judgment, so
3 complicates the medical condition of the woman that, to avert the
4 woman's death or a serious risk of substantial and irreversible
5 physical impairment of a major bodily function, other than a
6 psychological condition, it necessitates the immediate abortion of
7 her pregnancy;

8 (2) an abortion performed on a minor whose pregnancy
9 is a result of a sexual assault, incest, or other violation of the
10 Penal Code that has been reported to law enforcement authorities or
11 that has not been reported because she has a reason that she
12 declines to reveal because she reasonably believes that to do so
13 would put her at risk of retaliation resulting in serious bodily
14 injury; or

15 (3) an act done with the intent to:

16 (A) save the life or preserve the health of an
17 unborn child;

18 (B) remove a dead, unborn child whose death was
19 caused by spontaneous abortion;

20 (C) remove an ectopic pregnancy; or

21 (D) treat a maternal disease or illness for which
22 a prescribed drug, medicine, or other substance is indicated.

23 SECTION 2. Section 164.052(a), Occupations Code, as
24 effective on the 91st day after the last day of the 83rd
25 Legislature, 2nd Called Session, 2013, is amended to read as
26 follows:

27 (a) A physician or an applicant for a license to practice

1 medicine commits a prohibited practice if that person:

2 (1) submits to the board a false or misleading
3 statement, document, or certificate in an application for a
4 license;

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

7 (3) commits fraud or deception in taking or passing an
8 examination;

9 (4) uses alcohol or drugs in an intemperate manner
10 that, in the board's opinion, could endanger a patient's life;

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

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

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

19 (8) purchases, sells, barters, or uses, or offers to
20 purchase, sell, barter, or use, a medical degree, license,
21 certificate, or diploma, or a transcript of a license, certificate,
22 or diploma in or incident to an application to the board for a
23 license to practice medicine;

24 (9) alters, with fraudulent intent, a medical license,
25 certificate, or diploma, or a transcript of a medical license,
26 certificate, or diploma;

27 (10) uses a medical license, certificate, or diploma,

1 or a transcript of a medical license, certificate, or diploma that
2 has been:

3 (A) fraudulently purchased or issued;

4 (B) counterfeited; or

5 (C) materially altered;

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

8 (12) engages in conduct that subverts or attempts to
9 subvert an examination process required by this subtitle for a
10 medical license;

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

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

17 (15) associates in the practice of medicine with a
18 person:

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

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

23 (16) performs or procures a criminal abortion, aids or
24 abets in the procuring of a criminal abortion, attempts to perform
25 or procure a criminal abortion, or attempts to aid or abet the
26 performance or procurement of a criminal abortion;

27 (17) directly or indirectly aids or abets the practice

of medicine by a person, partnership, association, or corporation that is not licensed to practice medicine by the board;

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

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

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

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

(19) performs an abortion on an unemancipated minor without the written consent of the child's parent, managing conservator, or legal guardian or without a court order, as provided by Section 33.003 or 33.004, Family Code, authorizing the minor to consent to the abortion, unless the physician concludes that on the basis of the physician's good faith clinical judgment, a condition exists that complicates the medical condition of the pregnant minor and necessitates the immediate abortion of her pregnancy to avert her death or to avoid a serious risk of substantial impairment of a major bodily function and that there is insufficient time to obtain the consent of the child's parent, managing conservator, or legal guardian; ~~or~~

(20) performs or induces or attempts to perform or induce an abortion in violation of Subchapter C, Chapter 171, Health and Safety Code; or

1 (21) performs or induces an abortion in violation of
2 Subchapter E, Chapter 171, Health and Safety Code.

3 SECTION 3. (a) The executive commissioner of the Health and
4 Human Services Commission shall adopt the rules required by
5 Subchapter E, Chapter 171, Health and Safety Code, as added by this
6 Act, not later than January 1, 2014.

7 (b) The Health and Human Services Commission shall make the
8 resource awareness session described by Subchapter E, Chapter 171,
9 Health and Safety Code, as added by this Act, available on its
10 Internet website not later than June 1, 2014.

11 SECTION 4. The change in law made by this Act applies only
12 to an abortion performed or induced on or after July 1, 2014. An
13 abortion performed or induced before July 1, 2014, is governed by
14 the law in effect immediately before the effective date of this Act,
15 and that law is continued in effect for that purpose.

16 SECTION 5. This Act takes effect on the 91st day after the
17 last day of the legislative session.