

By: Schwertner

S.B. No. 77

A BILL TO BE ENTITLED

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

6 SECTION 1. Subtitle F, Title 10, Government Code, is
7 amended by adding Chapter 2271 to read as follows:

CHAPTER 2271. PROHIBITED TRANSACTIONS

9 Sec. 2271.001. DEFINITIONS. In this chapter:

12 (2) "Abortion provider" means:

23 (A) common ownership, management, or control;

24 (B) a franchise; or

19 Sec. 2271.002. APPLICABILITY. (a) This chapter does not

20 apply to:

1 (4) a teaching hospital of a public or private
2 institution of higher education; or
3 (5) an accredited residency program providing
4 training to resident physicians.

5 (b) For purposes of this chapter, a facility is not
6 considered to be an abortion provider solely based on the
7 performance of an abortion at the facility during a medical
8 emergency as defined by Section 171.002, Health and Safety Code.

9 Sec. 2271.003. ABORTION PROVIDER AND AFFILIATE
10 TRANSACTIONS PROHIBITED; EXCEPTION. (a) Except as provided by
11 Subsection (b), a governmental entity may not enter into a taxpayer
12 resource transaction or contract with an abortion provider or an
13 affiliate of an abortion provider.

14 (b) This section does not apply to a taxpayer resource
15 transaction involving a federal law that conflicts with Subsection
16 (a) as determined by the executive commissioner of the Health and
17 Human Services Commission and confirmed in writing by the attorney
18 general.

19 Sec. 2271.004. INJUNCTION; WAIVER OF IMMUNITY. (a) The
20 attorney general may bring an action in the name of the state to
21 enjoin a violation of Section 2271.003. The attorney general may
22 recover reasonable attorney's fees and costs incurred in bringing
23 an action under this subsection.

24 (b) Sovereign or governmental immunity, as applicable, of a
25 governmental entity to suit and from liability is waived to the
26 extent of liability created by Subsection (a).

27 SECTION 2. Chapter 2271, Government Code, as added by this

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1 Act, applies only to a taxpayer resource transaction or contract
2 entered into on or after the effective date of this Act.

3 SECTION 3. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect on the 91st day after the last day of the
8 legislative session.