

By: Coleman

H.B. No. 2968

A BILL TO BE ENTITLED

AN ACT

relating to voluntary and informed consent for an abortion.

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

SECTION 1. Section 171.012(a), Health and Safety Code, is amended to read as follows:

(a) Except in the case of a medical emergency, consent to an abortion is voluntary and informed only if:

(1) the physician who is to perform the abortion or the referring physician informs the woman on whom the abortion is to be performed of:

(A) the name of the physician who will perform the abortion;

(B) the particular medical risks associated with the particular abortion procedure to be employed, including, when medically accurate:

(i) the risks of infection and hemorrhage;
and

(ii) the potential danger to a subsequent pregnancy and of infertility; ~~and~~

~~[(iii) the possibility of increased risk of breast cancer following an induced abortion and the natural protective effect of a completed pregnancy in avoiding breast cancer,]~~

(C) the probable gestational age of the unborn

1 child at the time the abortion is to be performed; and

2 (D) the medical risks associated with carrying
3 the child to term;

4 (2) the physician who is to perform the abortion or the
5 physician's agent informs the woman that:

6 (A) medical assistance benefits may be available
7 for prenatal care, childbirth, and neonatal care;

8 (B) the father is liable for assistance in the
9 support of the child without regard to whether the father has
10 offered to pay for the abortion;

11 (C) public and private agencies provide
12 pregnancy prevention counseling and medical referrals for
13 obtaining pregnancy prevention medications or devices, including
14 emergency contraception for victims of rape or incest; and

15 (D) the woman has the right to review the printed
16 materials described by Section 171.014, that those materials have
17 been provided by the [~~Texas~~] Department of State Health Services
18 and are accessible on an Internet website sponsored by the
19 department, and that the materials describe the unborn child and
20 list agencies that offer alternatives to abortion;

21 (3) the woman certifies in writing before the abortion
22 is performed that the information described by Subdivisions (1) and
23 (2) has been provided to her and that she has been informed of her
24 opportunity to review the information described by Section 171.014;
25 and

26 (4) before the abortion is performed, the physician
27 who is to perform the abortion receives a copy of the written

1 certification required by Subdivision (3).

2 SECTION 2. (a) Not later than December 1, 2009, the
3 Department of State Health Services shall:

4 (1) revise the informational materials the department
5 is required to publish under Section 171.014, Health and Safety
6 Code; and

7 (2) make the materials available for distribution.

8 (b) The changes in law made by this Act apply only to the
9 abortion information a physician is required to provide under
10 Section 171.012, Health and Safety Code, on or after January 1,
11 2010.

12 SECTION 3. This Act takes effect September 1, 2009.