

A BILL TO BE ENTITLED

1 AN ACT

2 relating to prohibiting certain transactions between a  
3 governmental entity and an abortion provider or affiliate of the  
4 provider.

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:

8 CHAPTER 2271. PROHIBITED TRANSACTIONS

9 Sec. 2271.001. DEFINITIONS. In this chapter:

10 (1) "Abortion" has the meaning assigned by Section  
11 245.002, Health and Safety Code.

12 (2) "Abortion provider" means:

13 (A) a facility licensed under Chapter 245, Health  
14 and Safety Code; or

15 (B) an ambulatory surgical center licensed under  
16 Chapter 243, Health and Safety Code, that is used for the purpose of  
17 performing more than 50 abortions in any 12-month period.

18 (3) "Affiliate" means a person or entity who enters  
19 into with another person or entity a legal relationship created or  
20 governed by at least one written instrument, including a  
21 certificate of formation, a franchise agreement, standards of  
22 affiliation, bylaws, or a license, that demonstrates:

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

24 (B) a franchise; or

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

22 apply to:

23 (1) a hospital licensed under Chapter 241, Health and  
24 Safety Code;

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

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

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

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

26                   (b) Sovereign or governmental immunity, as applicable, of a  
27 governmental entity to suit and from liability is waived to the

1 extent of liability created by Subsection (a).

2 SECTION 2. Chapter 2271, Government Code, as added by this  
3 Act, applies only to a taxpayer resource transaction or contract  
4 entered into on or after the effective date of this Act.

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