

By: Schaefer

H.B. No. 87

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of abortion procedures.

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

SECTION 1. Sections 170.002(b) and (c), Health and Safety Code, are amended to read as follows:

(b) Subsection (a) does not prohibit a person from performing an abortion if at the time of the abortion the person is a physician and concludes in good faith according to the physician's best medical judgment that:

(1) the fetus is not a viable fetus and the pregnancy is not in the third trimester; or

(2) the abortion is necessary to prevent the death or a substantial risk of serious impairment to the physical or mental health of the woman[~~, or~~

~~[(3) the fetus has a severe and irreversible abnormality, identified by reliable diagnostic procedures].~~

(c) A physician who performs an abortion that, according to the physician's best medical judgment at the time of the abortion, is to abort a viable unborn child during the third trimester of the pregnancy shall certify in writing to the department, on a form prescribed by the department, the medical indications supporting the physician's judgment that the abortion was authorized by Subsection (b)(2) [~~or (3)~~]. The certification must be made not later than the 30th day after the date the abortion was performed.

1 SECTION 2. Section 171.042, Health and Safety Code, is  
2 amended to read as follows:

3 Sec. 171.042. DEFINITION [~~DEFINITIONS~~]. In this  
4 subchapter, [+

5 [~~(1)~~] "post-fertilization [~~Post-fertilization~~] age"  
6 means the age of the unborn child as calculated from the fusion of a  
7 human spermatozoon with a human ovum.

8 [~~(2) "Severe fetal abnormality" has the meaning~~  
9 ~~assigned by Section 285.202.~~]

10 SECTION 3. Section 285.202(a), Health and Safety Code, is  
11 amended to read as follows:

12 (a) In this section, "medical emergency" means[+]

13 [~~(1)~~] a condition exists that, in a physician's good  
14 faith clinical judgment, complicates the medical condition of the  
15 pregnant woman and necessitates the immediate abortion of her  
16 pregnancy to avert her death or to avoid a serious risk of  
17 substantial impairment of a major bodily function[~~—or~~

18 [~~(2) the fetus has a severe fetal abnormality~~].

19 SECTION 4. Sections 171.046(c) and 285.202(a-1), Health and  
20 Safety Code, are repealed.

21 SECTION 5. This Act takes effect immediately if it receives  
22 a vote of two-thirds of all the members elected to each house, as  
23 provided by Section 39, Article III, Texas Constitution. If this  
24 Act does not receive the vote necessary for immediate effect, this  
25 Act takes effect September 1, 2017.