

By: Laubenberg

H.B. No. 3765

A BILL TO BE ENTITLED

AN ACT

relating to consent to an abortion on a minor.

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

SECTION 1. Section 171.011, Health and Safety Code, is amended to read as follows:

Sec. 171.011. INFORMED CONSENT REQUIRED. A person may not perform an abortion without the voluntary and informed consent of the woman, regardless of the age of the woman, on whom the abortion is to be performed.

SECTION 2. Section 164.052(a), Occupations Code, is amended to read as follows:

(a) A physician or an applicant for a license to practice medicine commits a prohibited practice if that person:

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

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

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

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

(5) commits unprofessional or dishonorable conduct that is likely to deceive or defraud the public, as provided by

1 Section 164.053, or injure the public;

2 (6) uses an advertising statement that is false,
3 misleading, or deceptive;

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

7 (8) purchases, sells, barter, or uses, or offers to
8 purchase, sell, barter, or use, a medical degree, license,
9 certificate, or diploma, or a transcript of a license, certificate,
10 or diploma in or incident to an application to the board for a
11 license to practice medicine;

12 (9) alters, with fraudulent intent, a medical license,
13 certificate, or diploma, or a transcript of a medical license,
14 certificate, or diploma;

15 (10) uses a medical license, certificate, or diploma,
16 or a transcript of a medical license, certificate, or diploma that
17 has been:

18 (A) fraudulently purchased or issued;

19 (B) counterfeited; or

20 (C) materially altered;

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

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

26 (13) impersonates a physician or permits another to
27 use the person's license or certificate to practice medicine in

1 this state;

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

5 (15) associates in the practice of medicine with a
6 person:

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

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

11 (16) performs or procures a criminal abortion, aids or
12 abets in the procuring of a criminal abortion, attempts to perform
13 or procure a criminal abortion, or attempts to aid or abet the
14 performance or procurement of a criminal abortion;

15 (17) directly or indirectly aids or abets the practice
16 of medicine by a person, partnership, association, or corporation
17 that is not licensed to practice medicine by the board;

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

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

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

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

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

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

17 SECTION 3. The changes in law made by this Act apply only to
18 an abortion performed on or after the effective date of this Act.
19 An abortion performed before the effective date of this Act is
20 governed by the law in effect on the date the abortion was
21 performed, and that law is continued in effect for that purpose.

22 SECTION 4. This Act takes effect September 1, 2015.