

BILL ANALYSIS

S.B. 24
By: Lucio
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Data obtained by the Department of State Health Services reportedly shows a discrepancy between the number of resource materials to be provided to a pregnant woman seeking an abortion that are shipped and downloaded and the number of abortions performed each year. There are concerns that this discrepancy illustrates negligence by certain providers in complying with requirements to provide the material. There are also suggestions that certain clarification is needed to ensure pre-procedure informational consultations by telephone are conducted in private to ensure personal attention in an intimidation-free setting. S.B. 24 seeks to address these concerns by specifying that such telephone consultations must be private and by requiring a physician who is to perform an abortion, or the physician's designee, in person to hand the required informational materials to a pregnant woman within a specified period before an abortion.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 24 amends the Health and Safety Code to specify that the telephone call that may be used to convey certain applicable information required to be provided by telephone under certain circumstances, with respect to voluntary and informed consent to an abortion, to a pregnant woman on whom an abortion is to be performed must be a private telephone call. The bill requires a physician who is to perform an abortion, or the physician's designee, in person to hand a copy of certain state informational materials relating to informed consent to an abortion as follows:

- on the day of the required consultation for a pregnant woman who lives less than 100 miles from the nearest abortion provider that is a facility licensed under the Texas Abortion Facility Reporting and Licensing Act or a facility in which more than 50 abortions are performed in any 12-month period; or
- before any sedative or anesthesia is administered to the pregnant woman on the day of the abortion and at least two hours before the abortion if the woman lives 100 miles or more from the nearest abortion provider that is a facility licensed under the Texas Abortion Facility Reporting and Licensing Act or is a facility in which more than 50 abortions are performed in any 12-month period.

EFFECTIVE DATE

September 1, 2019.