

BILL ANALYSIS

C.S.H.B. 1291
By: Bell, Keith
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

There are concerns that physicians, nurses, staff members, and employees of hospitals or facilities at which abortions are performed may not know of their right to object to participating in abortion procedures or that the hospitals or facilities are prohibited from discriminating against an individual for refusing to participate in an abortion procedure. C.S.H.B. 1291 seeks to address these concerns by requiring a hospital or health care facility at which abortions are performed to post a sign visible to each physician, nurse, staff member, or employee of the hospital or facility who performs or participates or may perform or participate in an abortion procedure informing those individuals of the right to object to participation in the procedure, that the hospital or facility may not discriminate against an individual for refusing to perform or participate in such a procedure, and that the individual may be entitled to a remedy for a violation of the individual's right to object.

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

C.S.H.B. 1291 amends the Occupations Code to require a hospital or health care facility at which abortions are performed, including a facility licensed under the Texas Abortion Facility Reporting and Licensing Act, to post a sign in a location easily visible to each physician, nurse, staff member, or employee of the hospital or facility who performs or participates or may perform or participate in an abortion procedure. The bill requires the sign to inform those individuals of the following:

- that the individual has a right to object to directly or indirectly performing or participating in an abortion procedure;
- that the hospital or facility is prohibited from discriminating against the individual for refusing to perform or participate in an abortion procedure; and
- that the individual may be entitled to a remedy for a violation of the individual's right to object.

The bill requires the sign to be at least 11 inches by 17 inches in size and written in at least a 16-point font and posted separately in English, Spanish, and any other primary language spoken by 10 percent or more of the hospital or health care facility's physicians, nurses, staff members, or employees who perform or participate or may perform or participate in an abortion procedure.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1291 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute requires a hospital or health care facility at which abortions are performed to post a sign in a location easily visible to each physician, nurse, staff member, or employee of the hospital or facility who performs or participates or may perform or participate in an abortion procedure informing those individuals of the right to object to participation in an abortion procedure, whereas the original required a hospital or health care facility to provide written notice to those individuals informing them of such a right. The substitute also sets out requirements relating to the sign.