

## **BILL ANALYSIS**

C.S.S.B. 1439  
By: Campbell  
Public Health  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Until recently, many obstetrics and gynecology training programs offered training in performing an abortion on an opt-in basis of participation. Interested parties state that there has been a gradual shift from participation in abortion training on an opt-in basis to an opt-out basis instead. There is reportedly no other specialty for which the Accreditation Council for Graduate Medical Education requires residents to receive training in performing or participating in an elective and controversial procedure in order to become board certified. C.S.S.B. 1439 seeks to address this issue by requiring the provision of written notice to a physician, intern, or resident of an educational institution detailing the procedures for opting not to perform or participate in an elective abortion procedure for moral or religious objections before the individual directly or indirectly performs or participates in such a procedure.

### **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.S.B. 1439 amends the Occupations Code to require an educational institution to provide to a physician, intern, or resident of the institution written notice detailing the procedures for opting not to perform or participate in an elective abortion procedure for moral or religious objections before the physician, intern, or resident directly or indirectly performs or participates in an elective abortion procedure. The notice must be provided during the interview process, at any orientation, and on commencement of employment or resident training.

### **EFFECTIVE DATE**

September 1, 2021.

### **COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE**

While C.S.S.B. 1439 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

Whereas the engrossed prohibited a physician, intern, or resident of an educational institution from being scheduled for or assigned to duties involving directly or indirectly performing or

participating in an elective abortion procedure unless the individual first affirmatively consents in writing to performing or participating in the procedure, the substitute requires such an institution instead to provide such a physician, intern, or resident written notice detailing the procedures for opting not to perform or participate in an elective abortion procedure for moral or religious objections before the individual directly or indirectly performs or participates in such a procedure. The substitute includes a requirement that did not appear in the engrossed for the notice to be provided during the interview process, at any orientation, and on commencement of employment or resident training.