

BILL ANALYSIS

Senate Research Center

S.B. 86
By: Shapiro
Health and Human Services
4-8-97
Committee Report (Amended)

DIGEST

Currently, Texas law does not require parents to receive notification that their minor child is seeking an abortion. S.B. 86 requires parental notification before an abortion can be performed on a minor, and provides exceptions in which parental notification is not in the child's best interest.

PURPOSE

As proposed, S.B. 86 outlines provisions and provides a criminal penalty relating to parental notification before an abortion may be performed on a minor.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 2 A, Family Code, by adding Chapter 33, as follows:

CHAPTER 33. NOTICE OF ABORTION

Sec. 33.001. DEFINITIONS. Defines "abortion," "fetus," "guardian," "medical emergency," and "physician."

Sec. 33.002. PARENTAL NOTICE. Sets forth the exceptions from which a physician is prohibited from performing an abortion on a pregnant unemancipated minor. Requires the Texas Department of Health to prepare a form to be used for making the certification that there are medical indications supporting the physician's judgment that a medical emergency exists and that there is insufficient time to provide the required notice. Provides that a physician who violates this section commits a Class A misdemeanor.

Sec. 33.003. JUDICIAL APPROVAL. Outlines the provisions by which a pregnant minor who wishes to have an abortion without notification to one of her parents, her managing conservator, her guardian, or her guardian ad litem may file an application for a court order authorizing the minor to consent to the performance of an abortion without notification to either of her parents, or a managing conservator, guardian, or a guardian ad litem.

Sec. 33.004. APPEAL. Sets forth the terms by which a minor whose application under Section 33.003 is denied is authorized to appeal to the district court having jurisdiction over civil matters in the county in which the application was filed. Sets forth the terms by which the court is authorized to rule on an appeal under this section.

SECTION 2. Requires the Texas Supreme Court to issue promptly such rules necessary that the process established by Sections 33.003 and 33.004, Family Code, be conducted to ensure confidentiality and precedence over other matters to ensure promptness.

SECTION 3. Effective date: September 1, 1997, except as provided by SECTION 5 of this Act.

SECTION 4. Makes application of, Chapter 33, Family Code, as added by this Act, prospective to

January 1, 1998.

SECTION 5. Effective date: January 1, 1998 for Section 33.002(d), Family Code, as added by this Act.

SECTION 6. Makes application of Section 33.002(a)(4), Family Code, prospective to December 15, 1997.

SECTION 7. Makes application of Sections 33.003 and 33.004, Family Code, prospective to December 15, 1997.

SECTION 8. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

Amends SECTION 1, Section 33.002(a), Family Code, by inserting the word "unemancipated" between the words "pregnant" and "minor."