

BILL ANALYSIS

Senate Research Center
86R20474 SCL-F

C.S.S.B. 24
By: Lucio
State Affairs
3/20/2019
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2003, the Texas Legislature established protocol on informational and resource material, developed by the Department of State Health Services (DSHS), to be provided to a pregnant woman seeking abortion entitled "A Woman's Right To Know."

Data obtained by DSHS shows a significant mismatch in the number of resource materials shipped and downloaded to the number of abortions performed each year. This disparity illustrates negligence by certain providers in complying with the Health and Safety Code. Furthermore, clarification is needed to ensure pre-procedure informational consultations by telephone are conducted in private, not in a group, to ensure personal attention in an intimidation-free setting.

S.B. 24 provides technical corrections to the Health and Safety Code to ensure telephone consultations are private and to ensure the responsibility of an abortion provider in supplying information and resource material to a pregnant woman—meeting the intent of the informed consent laws enacted by previous legislatures. Lastly, S.B. 24 assures state-mandated materials be provided in advance of an abortion and allows for a reasonable exception for patients that live more than 100 miles away from an abortion facility. (Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 24 amends current law relating to the provision of informational materials and certain other information to a pregnant woman before an abortion.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 171.012, Health and Safety Code, by amending Subsection (b) and adding Subsection (f), as follows:

(b) Prohibits the information required to be provided under Subsections (a)(1) and (2) (relating to certain standards for establishing voluntary and informed consent) from being provided by audio or video recording and requires the information to be provided at least 24 hours before the abortion is to be performed in a certain manner, including orally by telephone on a private call, rather than orally by telephone, or in person in a private and confidential setting if the pregnant woman certifies that the woman currently lives 100 miles or more from the nearest abortion provider that is a facility licensed under Chapter 245 (Abortion Facilities) or a facility that performs more than 50 abortions in any 12-month period.

(f) Requires the physician who is to perform the abortion, or the physician's designee, to in person hand to the pregnant woman a copy of the informational materials described by Section 171.014 (Informational Materials):

(1) on the day of the consultation required under Subsection (a)(4) (relating to consent to abortion being voluntary and informed only if before any sedative or anesthesia is administered certain requirements are met) for a pregnant woman who lives less than 100 miles from the nearest abortion provider that is a facility licensed under Chapter 245 or a facility in which more than 50 abortions are performed in any 12-month period; or

(2) 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 Chapter 245 or a facility in which more than 50 abortions are performed in any 12-month period.

SECTION 2. Makes application of Section 171.012, Health and Safety Code, as amended by this Act, prospective.

SECTION 3. Effective date: September 1, 2019.