

BILL ANALYSIS

Senate Research Center

H.B. 2856
By: Hupp (Gallegos)
Health & Human Services
5-16-97
Engrossed

DIGEST

Currently, Texas law requires the Department of Health to inspect abortion facilities for the purpose of licensure at reasonable times. Abortion facilities are not required to make any licensure information public. This bill requires licensed abortion facilities to be inspected annually during the license renewal process, and makes a toll-free number available to a woman seeking an abortion so that she can access information regarding an abortion facility's safety record.

PURPOSE

As proposed, H.B. 2856 requires licensed abortion facilities to be inspected annually during the license renewal process, and makes a toll-free number available to a woman seeking an abortion so that she can access information regarding an abortion facility's safety record.

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 Section 245.006, Health and Safety Code, to authorize the Department of Health (department) to inspect an abortion facility at reasonable times as necessary to ensure compliance with this chapter. Requires the department to inspect an abortion facility before renewing the facility's license under Section 245.005(e).

SECTION 2. Amends Chapter 245, Health and Safety Code, by adding Section 245.0105, as follows:

Sec. 245.0105. UNIQUE IDENTIFYING NUMBER; DISCLOSURE IN ADVERTISEMENT. Requires the department to assign to each abortion facility a unique license number that may not change during the period the facility is operating in this state. Requires an abortion facility to include the unique license number assigned to the facility by the department in any abortion advertisement directly relating to the provision of abortion services at the facility. Defines "abortion advertisement."

SECTION 3. Amends Section 245.011(d), Health and Safety Code, to provide that all information and records held by the department under this chapter are confidential and are not open records for the purposes of Chapter 552, Government Code, except as provided by Section 245.017.

SECTION 4. Amends Chapter 245, Health and Safety Code, by adding Section 245.017, as follows:

Sec. 245.017. PUBLIC INFORMATION; TOLL-FREE TELEPHONE NUMBER. Requires the department on request to make certain information available to the public. Provides that Subsection (a) does not require the department to provide information that is not in the possession of the department. Requires the Texas State Board of Medical Examiners (board) to provide to the department information in the possession of the board that the department is required to provide under Subsection (a). Requires the department to maintain a toll-free telephone number that a person may call to obtain the information described by Subsection (a). Requires an abortion facility to provide to a woman, at the time

the woman initially consults the facility, a written statement indicating the number of the toll-free telephone line maintained under Subsection (c). Requires the written statement to be available in English and Spanish in a prescribed form. Provides that this section does not authorize the release of the name, address, or phone number of any employee or patient of an abortion facility or of a physician who provides services at an abortion facility.

SECTION 5. Makes application of this Act prospective.

SECTION 6. Effective date: September 1, 1997.

SECTION 7. Emergency clause.