

BILL ANALYSIS

Senate Research Center
76R1206 MCK-D

S.B. 65
By: Nelson
Human Services
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As Filed

DIGEST

Currently, Texas law requires physicians to provide surgical patients with state-approved written material and to obtain written consent from patients before undergoing certain procedures. The Medical Practice Act also includes regulation regarding the performance of abortions; however, there is no requirement or guidelines for a woman's rights of access to abortion information and abortion alternatives. This bill would require the Texas Department of Health to provide certain abortion-related information 72 hours prior to a woman's abortion, and would require her to sign an informed consent form.

PURPOSE

As proposed, S.B. 65 requires that specific information relating to the status of the unborn child and alternatives to abortion be provided to a woman not less than 72 hours before she receives an abortion, and requires her to sign an informed consent form.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Department of Health in SECTION 2 (Section 166.001(d), Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 4.011, Article 4495b, V.T.C.S. (Medical Practice Act) by adding Subsections (b-1), (b-2), and (g) and amending Subsections (c) and (e), to prohibit: a physician from performing an abortion on a woman without her consent except in the case of a medical emergency. Provides that consent to an abortion is voluntary and informed only under certain conditions. Requires the Texas Department of Health (TDH) to adopt the form and content of the information to be provided under Subsection (b-2)(1) of this section. Makes conforming changes.

SECTION 2. Amends Title 2H, Health and Safety Code, by adding Chapter 166, as follows:

Sec. 166. INFORMATION TO BE PROVIDED TO WOMEN CONSIDERING ABORTION

Sec. 166.001. INFORMATIONAL MATERIALS. Requires TDH to publish and make available, in English and Spanish, the information required to be provided to a woman before she receives an abortion. Authorizes the TDH to adopt rules necessary for making changes to the materials.

Sec. 166.002. INFORMATION RELATING TO PUBLIC AND PRIVATE AGENCIES. Requires the informational materials to include a comprehensive guide to adoption agencies.

Sec. 166.003. INFORMATION RELATING TO CHARACTERISTICS OF THE UNBORN CHILD. Requires the materials to include pictures and information about anatomical and physiological characteristics of the unborn child and information about the possibility of the unborn child's survival. Requires the informational materials to be nonjudgmental and to convey only accurate scientific information about the unborn child's development at two-week gestational increments.

Sec. 166.004. INFORMATION RELATING TO ABORTION METHODS. Requires the informational materials to include objective descriptions of the following: commonly used abortion procedures and the risks associated with each one, psychological effects of abortion, and medical risks of carrying the unborn child to term.

SECTION 3. Effective date: September 1, 1999. Makes application of this Act to January 1, 2000.

SECTION 4. Requires the Texas Department of Health to adopt the information to be provided under Chapter 166 Health and Safety Code, not later than December 15, 1999.

SECTION 5. Emergency clause.