

BILL ANALYSIS

Senate Research Center
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S.B. 83
By: Harris
Human Services
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As Filed

DIGEST

Currently, patients must give their consent before a physician can provide medical treatment, except in emergency situations. Consent protects the patient and ensures the patient is provided with full information about a procedure. For women who are considering an abortion, this requirement attempts to guarantee that women receive full information before making an informed decision. S.B. 83 requires physicians and other health professionals to inform women seeking an abortion about state-sponsored literature and medical assistance about abortion and abortion alternatives, as well as the father's legal role in child support, and sets forth a criminal penalty.

PURPOSE

As proposed, S.B. 83 specifies information a physician and other professionals must provide to women seeking an abortion, and sets forth a criminal penalty.

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 4.011, Article 4495b, V.T.C.S. (Medical Practice Act), by adding Subsections (b-1)-(b-6), (d-1) and (g) and by amending Subsections (c) and (e), to prohibit a physician from performing an abortion unless the woman has received the information in Subsections (b-2) and (b-3) of this sections; and has signed a consent to an abortion. Requires a physician to inform the woman orally of the risks, nature, and alternatives to an abortion. Requires a designated health professional to inform the woman orally of state-sponsored literature and medical assistance about abortions and abortion alternatives, as well as the father's legal role in child support. Prohibits abortion in the event that the state-sponsored literature has not been made available to the woman at least 24 hours prior to the procedure. Provides that a physician is not required to provide the information if the pregnancy is the result of rape. Requires the physician to provide the information after the woman is determined to be pregnant. Prohibits the Texas State Board of Medical Examiners from disciplining a person for failing to provide the information if the board determines the person believed furnishing the information would adversely affect the pregnant woman's physical health. Permits an abortion within a 24-hour period and regardless of proper notification if there is a substantial risk of death or serious impairment to the physical health of the woman. Provides that a person who violates Subsection (b-1) commits a Class C misdemeanor. Provides that it is a defense from prosecution that the physician reasonably believed furnishing the information would have had a severely adverse physical health effect on the woman. Makes conforming changes.

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

CHAPTER 166. INFORMATION TO BE PROVIDED TO A WOMAN CONSIDERING ABORTION

Sec. 166.001. INFORMATION PUBLISHED BY DEPARTMENT. Requires the Texas Department of Health to publish complimentary materials for women considering abortion. Provides that printed materials include agencies that provide help to pregnant women, medical information on abortions and childbirth, and the legal ramifications of abortion and childbirth. Requires materials to be printed in English and Spanish and to be updated annually. Requires materials on abortion to be provided free to any person requesting them.

Sec. 166.002. AGENCY LIST. Sets forth requirements for the list of agencies required by Section 166.001(a)(1).

Sec. 166.003. INFORMATION RELATING TO THE UNBORN CHILD. Sets forth the criteria for the information to be provided, including descriptions and survival rates of an unborn child. Requires depictions of an unborn child in the materials to be actual size. Requires the materials described by this section to be objective and scientific.

Sec. 166.004. INFORMATION RELATING TO ABORTION METHODS. Requires the information to include an objective description of abortion procedures commonly used, and descriptions of the medical risks associated with an abortion and carrying a child to term.

SECTION 3. Provides that this Act does not create a right to abortion. Provides that it is not the intention of the legislature to repeal by implication Articles 4512.1, 4512.2, 4512.3, 4512.4, and 4512.6, V.T.C.S., by enactment of this Act.

SECTION 4. Effective date: September 1, 1999.
Makes application of this Act prospective to January 1, 2000.

SECTION 5. Requires the Texas Department of Health to publish materials by December 1, 1999.

SECTION 6. Emergency clause.