

BILL ANALYSIS

S.B. 33
By: Campbell
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under state statute, governmental entities are currently prohibited from using taxpayer dollars to fund abortion providers and their affiliates. The bill sponsor has informed the committee, however, that some cities have found a way around this law by giving money to entities that aid or abet abortions. S.B. 33 seeks to ensure that taxpayer funds are not used to indirectly support or facilitate abortion services by explicitly prohibiting governmental transactions with abortion assistance entities for such purposes.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 33 amends the Government Code to prohibit a governmental entity from entering into a taxpayer resource transaction with an abortion assistance entity for the purpose of providing an abortion or abortion assistance. The bill defines "abortion assistance entity" as a person that procures or facilitates a woman's procurement of an abortion by engaging in any of the following acts:

- offering or providing money to pay for, reimburse, or offset the costs of obtaining an abortion or the costs incurred by or associated with seeking an abortion, regardless of the location at which the abortion occurs;
- paying for, planning, or executing plans for travel accommodations, including transportation, meals, or lodging, with the intent of facilitating the procurement of an abortion, regardless of the location at which the abortion occurs;
- offering, providing, or paying for any type of service or logistical support, including child care or abortion doula services, to facilitate the procurement of an abortion; or
- collecting or distributing an abortion-inducing drug, as that term is defined by applicable Health and Safety Code provisions, to increase access to those drugs.

The bill also prohibits a governmental entity from entering into a taxpayer resource transaction or appropriating or spending money to provide to any person logistical support for the express purpose of assisting a woman with procuring an abortion or the services of an abortion provider. Logistical support includes providing money for child care, travel or any form of transportation to or from an abortion provider, lodging, food or food preparation, counseling that encourages a woman to have an abortion, and any other service that facilitates the provision of an abortion. This prohibition does not apply to a taxpayer resource transaction entered into or money appropriated or spent by a governmental entity that is subject to a federal law in conflict with

the prohibition as determined by the executive commissioner of the Health and Human Services Commission and confirmed in writing by the attorney general.

S.B. 33 changes the definition of "abortion provider" for purposes of the prohibition against a governmental entity entering into a taxpayer resource transaction with an abortion provider or an abortion provider affiliate from a facility licensed under the Texas Abortion Facility Reporting and Licensing Act or an ambulatory surgical center licensed under the Texas Ambulatory Surgical Center Licensing Act that is used to perform more than 50 abortions in any 12-month period to a person who performs or induces an abortion.

S.B. 33 replaces the authorization for the attorney general to bring an action in the name of the state to enjoin a violation of provisions relating to prohibited transactions with abortion providers and affiliates with an authorization for the attorney general, a Texas resident, or an individual residing within a political subdivision of Texas to bring an action against any party to the actual or proposed prohibited transaction, appropriation, or expenditure, as applicable, of a governmental entity that violates or is seeking to violate provisions relating to prohibited transactions with abortion providers and affiliates or prohibited logistical support. The applicable person is entitled to recover the following in the action:

- declaratory relief;
- injunctive relief that terminates and reimburses any value conferred by the prohibited transaction, appropriation, or expenditure and enjoins the party from entering into a prohibited transaction, appropriation, or expenditure in the future;
- court costs; and
- reasonable attorney's fees.

S.B. 33 prohibits a court from awarding to any defendant against whom such an action is brought costs or attorney's fees under Texas Rules of Civil Procedure provisions relating to the dismissal of baseless causes of action or under another rule the supreme court adopts under applicable state law to provide for such a dismissal. The bill makes Civil Practice and Remedies Code provisions relating to religious freedom and actions involving the exercise of certain constitutional rights inapplicable to an action brought under the bill's provisions.

EFFECTIVE DATE

September 1, 2025.