

SUBJECT: Prohibiting abortion travel assistance by governmental entities

COMMITTEE: State Affairs — favorable, without amendment

VOTE: 10 ayes — King, Darby, Geren, Guillen, Hull, McQueeney, Metcalf, Phelan, Raymond, Smithee

3 nays — Anchía, Thompson, Turner

2 absent — Hernandez, Y. Davis

SENATE VOTE: On final passage (April 16) — 22 - 9

WITNESSES: For — Vanessa Sivadge, Protecting Texas Children; Mark Lee Dickson, Right to Life Across Texas; Samantha Furnace, Rebekah King, Ashley Leenerts, Brittani Oglesbee, John Seago, Texas Right to Life; Jonathan Covey, Texas Values; and 8 individuals (*Registered, but did not testify*: Addie Crimmins, ADF ACTION; Mike Knuffke, Patrick Von Dohlen, San Antonio Family Association; Cindy Asmussen, Southern Baptists of Texas Convention; Amy O'Donnell, Joe Pojman Ph.D., Texas Alliance for Life; Jennifer Allmon, Texas Catholic Conference of Bishops; Megan Benton, Texas Values Action; Michelle Evans, Williamson County Republican Party)

Against — Yaneth Flores, Avow Texas; Natalia Flores, Limya Harvey, Black Book Sex Ed; Ariana Rodriguez, Jane's Due Process; Erika Galindo, Lilith Fund; Michelle Venegas-Matula, Texas Unitarian Universalist Justice Ministry; Bryce Stanfield (*Registered, but did not testify*: Andrew Hendrickson, ACLU of Texas; Nadia Islam, City of San Antonio; Madison Clendening, Lilith Fund; Grace Brooks, Planned Parenthood Texas Votes; Grace Bonilla, Jody Harrison, Texas Impact; and 11 individuals)

BACKGROUND: Government Code sec. 2273.003 prohibits a governmental entity from entering into a taxpayer resource transaction with an abortion provider or an abortion provider affiliate. An abortion provider is defined by sec.

2273.001 as a licensed abortion facility or a licensed ambulatory surgical center used to perform more than 50 abortions in any 12-month period.

Sec. 2273.004 authorizes the attorney general to bring an action to enjoin a violation of sec. 2273.003.

DIGEST:

SB 33 would expand the prohibition under Government Code sec. 2273.003 to apply to a taxpayer resource transaction with an abortion assistance entity for the purpose of providing an abortion or abortion assistance. An abortion assistance entity would mean a person who procured or facilitated a woman's procurement of an abortion by:

- offering or providing money to pay for, reimburse, or offset the costs of an abortion or associated costs, regardless of location;
- 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 location;
- offering, providing, or paying for any type of service or logistical support to facilitate the procurement of an abortion; or
- collecting or distributing an abortion-inducing drug to increase access to such drugs.

The bill also would amend the definition of abortion provider under sec. 2272.001 to mean a person who performed or induced an abortion.

SB 33 also would prohibit 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 would include providing money for child care, travel or transportation to or from an abortion provider, lodging, food, counseling that encourages a woman to have an abortion, and any other service facilitating the provision of an abortion. This prohibition would not apply to a taxpayer resource transaction entered into or money appropriated or spent by a governmental entity that was subject

to a federal law in conflict with these provisions as determined by the executive commissioner of the Health and Human Services Commission and confirmed in writing by the attorney general.

SB 33 would amend Government Code sec. 2273.004 to authorize a Texas resident or an individual residing within a political subdivision of the state, in addition to the attorney general, to bring an action against any party to the actual or proposed prohibited transaction, appropriation, or expenditure of a governmental entity that violated or was seeking to violate the bill or sec. 2273.003 as amended by the bill. A person bringing such an action would be entitled to declaratory relief, injunctive relief that terminated and reimbursed any value conferred by the prohibited activity and enjoined the party from entering into such activity in the future, court costs, and attorney's fees.

The bill would take effect September 1, 2025.

**SUPPORTERS
SAY:**

SB 33 would support fiscal integrity and moral accountability in Texas by expanding the prohibition on taxpayer money being used to fund abortions to various forms of indirect funding supporting abortion services, including support for a person traveling out of the state to obtain an abortion. While the state has strong pro-life laws, thousands of pregnant women from Texas are still receiving abortions outside the state, and some local governments have deliberately circumvented the state's ban on the use of public funds to support elective abortions by instead providing such funds to organizations that pay for abortion-related travel. SB 33 would close this perceived loophole and ensure that local governments comply with Texas' pro-life laws rather than continuing to subvert the will of the Legislature.

Many Texans are opposed to their tax dollars being used to facilitate out-of-state abortions, which is an abuse of funds and not a legitimate public purpose. Elective abortion is an act of violence regardless of state borders, and SB 33 would ensure that Texas taxpayers are not forced to subsidize travel to another state for an act that is prohibited in and goes against the pro-life values of this state. Public funds could instead be used to provide

local support to women with crisis pregnancies and other legitimate governmental functions and services that benefit communities. The bill would not undermine local control because it would simply clarify the intent of current law to prevent taxpayer money from being used to support abortion. The bill also would not prevent any organization from continuing to provide assistance using private funds.

By allowing any Texas resident to file a civil lawsuit to enforce the bill, SB 33 would give the public a tool to hold local governments accountable and ensure that taxpayer money is not spent to support elective abortions. The bill also avoids conflicting with any applicable federal requirements while also preventing federal overreach by ensuring that any conflict with federal law would have to be confirmed by the attorney general.

**CRITICS
SAY:**

SB 33 would undermine local control, worsen reproductive outcomes in the state, and hinder Texans, especially those who are economically disadvantaged, from receiving necessary reproductive healthcare by prohibiting cities from supporting entities that provide logistical assistance to Texans in need of an abortion. The total ban on abortion in Texas has caused a public health crisis, forcing many to seek abortion care outside the state, which can already be difficult due to the expense and time required. Under these circumstances, some local governments have helped to ease the burden on those seeking abortion care using legal, innovative, and equitable methods. By prohibiting support from local governments to organizations that help with abortion-related travel expenses, SB 33 would add another barrier to health care access.

Local officials are best situated to respond to the needs of their communities, and SB 33 would be a major overreach by the state into local affairs, preventing local governments from helping to save the lives of pregnant women with the tools currently available to them. Local governments are not funding abortion procedures but rather providing practical, logistical support for their constituents' need for reproductive healthcare access. SB 33 would unfairly penalize these governments and other organizations for supporting compassionate care. These public health initiatives are widely supported by community residents, who could

vote their elected representatives out of office if they disagree with the policy of providing travel support for abortion care.

By allowing any individual in the state to file a civil suit to enforce the bill, SB 33 could invite surveillance, facilitate the invasion of privacy, and cultivate fear and mistrust within communities.