

BILL ANALYSIS

Senate Research Center

H.B. 3771
By: Cook; Morrison, Geanie W. (Buckingham)
Health & Human Services
5/16/2017
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

State law contains different definitions of abortion. Interested observers say the variety of definitions create confusion and that state law would benefit from uniformity in the definition of abortion. H.B. 3771 rectifies this issue by clarifying the definition of an abortion in statute.

H.B. 3771 amends current law relating to the definition of abortion.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 33.001(1), Family Code, as follows:

(1) Redefines "abortion" to have the meaning assigned by Section 245.002, Health and Safety Code, rather than to mean the use of any means to terminate the pregnancy of a female known by the attending physician to be pregnant, with the intention that the termination of the pregnancy by those means will with reasonable likelihood cause the death of the fetus. Deletes existing text providing that this definition, as applied in this chapter (Notice of and Consent to Abortion), applies only to an unemancipated minor known by the attending physician to be pregnant.

SECTION 2. Amends Section 161.006(b), Family Code, to redefine "abortion" to have the meaning assigned by Section 245.002, Health and Safety Code, rather than to mean an intentional expulsion of a human fetus from the body of a woman induced by any means for the purpose of causing the death of the fetus.

SECTION 3. Amends Section 170.001(1), Health and Safety Code, to redefine "abortion" to have the meaning assigned by Section 245.002, rather than to mean an act involving the use of an instrument, medicine, drug, or other substance or device developed to terminate the pregnancy of a woman if the act is done with an intention other than certain outcomes.

SECTION 4. Amends Section 171.002(1), Health and Safety Code, to redefine "abortion" to have the meaning assigned by Section 245.002, rather than to mean the use of any means to terminate the pregnancy of a female known by the attending physician to be pregnant with the intention that the termination of the pregnancy by those means will, with reasonable likelihood, cause the death of the fetus.

SECTION 5. Amends Section 171.061(1), Health and Safety Code, as follows:

(1) Redefines "abortion" to have the meaning assigned by Section 245.002, Health and Safety Code, rather than to mean certain acts done with the intent to terminate a clinically diagnosable pregnancy of a woman and with knowledge that the termination by those means will, with reasonable likelihood, cause the death of the woman's unborn child. Prohibits this definition, as applied in this subchapter (Abortion-Inducing Drugs), from being construed to apply to an act done with the intent to treat a maternal disease or

illness for which a prescribed drug, medicine, or other substance is indicated. Deletes existing text providing that an act is not an abortion if the act is done with certain intentions.

SECTION 6. Amends Section 245.002(1), Health and Safety Code, as follows:

(1) Redefines "abortion" to mean the act of using or prescribing an instrument, a drug, a medicine, or any other substance, device, or means with the intent to cause the death of an unborn child of a woman to be pregnant, rather than to mean an act or procedure performed after pregnancy has been medically verified and with the intent to cause the termination of a pregnancy other than for the purpose of either the birth of a live fetus or removing a dead fetus. Provides that an act is not an abortion if the act is done with the intent to save the life or preserve the health of an unborn child, remove a dead, unborn child whose death was caused by spontaneous abortion, or remove an ectopic pregnancy.

SECTION 7. Effective date: upon passage or September 1, 2017.