

BILL ANALYSIS

Senate Research Center
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S.B. 87
By: Hughes
Health & Human Services
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The bill will add reporting requirements for doctors who perform abortions on women younger than 18 years of age. It requires physicians to document in the woman's medical record and report to the Health and Human Services Commission (HHSC) whether, in order to get the abortion, the young woman obtained parental consent, was granted a judicial bypass, had been emancipated from her parent, or was in an emergency situation requiring protection of the mother's life. It also requires a physician who performs an abortion based on a severe and irreversible fetal abnormality to specify the form of the fetal abnormality. These changes will provide HHSC with more information on the circumstances under which minor women are being granted access to abortions in Texas and allow the legislature to address the issue of abortions provided to minors in a more informed way.

As proposed, S.B. 87 amends current law relating to reporting and certification requirements by certain physicians regarding certain abortions.

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 170.002(c), Health and Safety Code, as follows:

(c) Changes references to the Department of State Health Services to the Health and Human Services Commission (HHSC). Requires the physician, if the physician certifies the abortion was authorized by Subsection (b)(3) (relating to providing that a certain subsection does not prohibit a person from performing an abortion if at the time of the abortion the person is a physician and concludes in good faith according to the physician's best medical judgment that the fetus has a severe and irreversible abnormality, identified by reliable diagnostic procedures), to certify in writing on a form prescribed by HHSC the fetal abnormality identified by the physician.

SECTION 2. Amends Subchapter A, Chapter 171, Health and Safety Code, by adding Section 171.006, as follows:

Sec. 171.006. REPORTING REQUIREMENTS FOR ABORTIONS PERFORMED ON WOMEN YOUNGER THAN 18 YEARS OF AGE. Requires the physician who performed the abortion, for each abortion performed on a woman who is younger than 18 years of age, to document in the woman's medical record and report to HHSC:

- (1) one of certain methods for obtaining authorization for the abortion;
- (2) if the woman's parent, managing conservator, or legal guardian provided the written consent described by Subdivision (1)(A) (relating to the woman's parent, managing conservator, or legal guardian providing the written consent), whether the consent was given in a certain location, and

(3) if the woman obtained the judicial authorization described by Subdivision (1)(B) (relating to providing that the woman obtained judicial authorization), if applicable, the process the physician or physician's agent used to inform the woman of the availability of a petition for judicial authorization, whether the court forms were provided by the physician or the physician's agent, and whether the physician or the physician's agent made arrangements for the woman's court appearance.

SECTION 3. Makes application of Section 170.002, Health and Safety Code, as amended by this Act, and Section 171.006, Health and Safety Code, as added by this Act, prospective to December 1, 2017.

SECTION 4. Effective date: upon passage or on the 91st day after the last day of the legislative session.