

# Pro-Life Accomplishments of the Texas Legislature in 2017

In 2017, the Texas Legislature had another sensational regular session and a terrific special session on the life issue. This follows a very successful pro-life session in 2015. Under the leadership of **Gov. Greg Abbott**, **Lt. Gov. Dan Patrick**, and **Speaker Joe Straus**, the Legislature passed 10 pro-life bills, doubled funding for the State's Alternatives to Abortion program, continued the defunding of Planned Parenthood, and passed numerous other pro-life provisions in the General Appropriations Act, the state's two-year budget.



## Regular Session — January 10 – May 29

### 1. Shut Down Planned Parenthood's Trafficking in Baby Body Parts (SB 8 by Sen. Charles Schwertner/Rep. Cindy Burkett with amendments from Rep. Byron Cook and Rep. Matt Schaefer).<sup>1</sup>

- Bans partial-birth abortions.
- Bans sale and donation of organs and tissues after elective abortion.
- Bans research on tissues and organs of victims of elective abortions.
- Requires humane disposition of the bodies of babies who die from abortion and miscarriage (language from HB 35 by Rep. Byron Cook).

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<sup>1</sup> SB 8 was amended on the floor of the House to include a provision that is intended to ban dismemberment abortions performed on live, unborn children. Texas Alliance for Life appreciates the heartfelt pro-life statement the Legislature sends by adopting this amendment. However, we remain neutral on its usefulness at this time because of the likelihood it will not withstand a federal court challenge and the setbacks that will occur as a result.

- Creates a standard abortion definition across Texas statutes and ensures treatment of ectopic pregnancy is not reported as abortion (amendment by Rep. Byron Cook).
- Requires monthly electronic reporting of abortions performed by the abortionist (amendment by Rep. Matt Schaefer).



**2. Protect Women from Forced Abortion, Especially Victims of Sex Trafficking (HB 2552 by Rep. Senfronia Thompson/Sen. Joan Huffman, with amendment by Rep. DeWayne Burns).**

- Requires human trafficking hotline signs at abortion facilities and hospitals.
- Creates first degree felony (up to 99 years) for killing an unborn child of a minor girl who is a victim of sex trafficking.
- Creates enhanced penalties for assaulting a woman to force her to have an abortion.

**3. Conscience Protection for Foster Care Providers (HB 3859 by Rep. James Frank/Sen. Charles Perry).**

- Protects the rights of foster care providers to follow their sincerely held religious beliefs to not provide or refer for abortion.

**4. Protect Victims of Rape (SB 77 by Sen. Jane Nelson/Rep. Carol Alvarado & Rep. Tony Dale).**

- Provides easier termination of the paternity rights of rapists.

**5. Promote Donation, Not Destruction, of Human Embryos (HB 785 by Rep. John Raney/Sen. Charles Perry).**

- Requires physicians involved in IVF to provide information regarding the option of donation of unused human embryos.

**6. Ban Telemedicine Abortions (SB 1107 by Sen. Charles Schwertner/Rep. Four Price).**

- Prohibits drug-induced abortions by telemedicine.

**7. Numerous Pro-Life Provisions in the Two-Year State Budget (SB 1 by Sen. Jane Nelson/Rep. John Zerwas).**

- **Doubled funding for the state's Alternatives to Abortion program:**
  - \$9.15 million/yr for the Alternatives to Abortion Program (HHSC Strategy D.1.2).

- Additional \$20 million if the agency determines there is a demand based on program utilization (HHSC Rider 222).
- **Continued defunding of Planned Parenthood.**
  - No direct or indirect funding of abortion (HHSC Rider 52).
  - State money may not be distributed to abortion providers and affiliates (Article IX, Sec. 6.25, amendment by Rep. Drew Springer and Rep. Matt Rinaldi).
  - Abortion providers and affiliates may not be contractors in the Breast and Cervical Cancer Services (BCCS) Program (HHSC Rider 51) and the Healthy Texas Women Program and Family Planning Program (HHSC Rider 56).
  - No funds for Medicaid Family Planning or Instruction may go for abortion providers or materials prepared by abortion providers & affiliates (HHSC Rider 53).
  - Family Planning Program funds are prioritized to entities that provide “comprehensive primary and preventative care” (which Planned Parenthood does not offer) (HHSC Rider 58).
- **Numerous other pro-life provisions in SB 1:**
  - Contractors must report suspected child abuse, including statutory rape (DSHS Rider 24, HHSC Rider 150).
  - Limit sexuality education spending to programs that comply with each of the A-H components of abstinence education (HHSC Rider 49).
  - No funds for prescription drugs to minors without parental consent (HHSC Rider 57).
  - State funded long acting contraceptives may not include abortifacients (HHSC Rider 59).
  - \$1 million/yr for umbilical cord stem cell banks (HHSC Rider 81)
  - \$1.6 million/yr for Texas Heart Institute Adult Stem Cell Program.

**Special Session — July 18 – August 15**

**1. Improved abortion complications reporting (HB 13 by Rep. Giovanni Capriglione/Sen. Donna Campbell).**

- Requires reporting abortion complications that occur or are treated at abortion facilities within 72 hours.
- Requires reporting abortion complications treated at hospitals within 30 days.
- The Health and Human Services Commission will publish an annual report.

**2. Pro-Life Insurance Reform (HB 214 by Rep. John Smithee/Sen. Brandon Creighton).**



- Eliminates mandatory coverage for elective abortions in health insurance plans in the federal Affordable Care Act exchange, government plans, and private plans.
- Allows optional abortion coverage through the purchase of a separate plan.

### 3. Increase reporting of abortions on minor girls (HB 215 by Rep. Jim Murphy/Sen. Bryan Hughes)

- Requires a physician performing an abortion on a minor girl to report how consent for the abortion was obtained, whether by parental consent or by a court order through the judicial bypass process.
- The Health and Human Services Commission may report the number of abortions on minors and how consent obtained.

### 4. Do-Not-Resuscitate (DNR) Reform (SB 11 by Sen. Charles Perry/Rep. Greg Bonnen)



- Requires the patient or surrogate to be notified if a physician intends to issue a DNR order, regardless of whether the surrogate is present in the hospital.
- Requires a physician to obtain the consent of a patient or the patient’s surrogate before issuing a DNR order.
- In the event a patient is incompetent, the surrogate is unknown, and a DNR has been issued, it requires notification of a surrogate if that surrogate becomes known.
- Sets up a dispute resolution process if the physician and the surrogate disagree about issuing a DNR order. The process includes explaining to the surrogate the benefits and burdens of attempted resuscitation. If disagreement continues the physician and hospital will make a reasonable attempt to transfer the patient to another provider.



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