**HB 1280 (87th Reg.) - Human Life Protection Act**

Text:

* A person cannot knowingly perform, induce, or attempt an abortion UNLESS:
  + The person performing the abortion is a licensed physician;
  + The physician practices reasonable judgment for a female who has a life-threatening physical condition caused or aggravated by a pregnancy;
    - Which would result in death or serious risk of substantial bodily impairment unless the abortion is performed
  + The person performing the abortion is using reasonable medical judgment to provide the best opportunity for the unborn child to survive unless:
    - There is a greater risk of the pregnant woman’s death
    - There is a serious risk of substantial bodily function to the pregnant woman
* A person who violates this law commits an offense:
  + Of the second degree;
  + EXCEPT that the offense is a felony of the first degree if an unborn child dies as a result of this offense;
  + Is subject to a civil penalty of not less than $100,000 for each violation, plus attorney’s fees and costs incurred;
  + Is subject to the appropriate licensing authority, which shall revoke the license, permit, registration, certificate, or other authority of a physician who attempts, performs, or induces an abortion in violation of the law;
* The law takes effect:
  + on the 30th day the court issues a judgment overturning *Roe v. Wade* and *Planned Parenthood v. Casey*
  + the issuance of any other SCOTUS decision that recognizes the authority of states, whether wholly or partly, to prohibit abortion; OR
  + the adoption of an amendment to the US Constitution that, wholly or partly, restores to the states the authority to prohibit abortion.
* Texas never repealed the statutes enacted before the ruling of *Roe v. Wade* that prohibit and criminalize abortion unless the mother’s life is in danger
* If any of the law’s provisions are declared invalid, the remainder of the law stays valid

**Fiscal Note:**

* If *Roe* and *Casey* are overturned, existing state statutes related to legal abortion are revised
* There will be an increase in births in the state
* On average, women who are covered through the Medicaid programs receive services at a cost of $804.16 per month
* Fully covered infants receive 12 months of coverage at an average cost of $909.62 per month
* Additional costs to the state related to children from birth to age 5 would be covered through the Children’s Health Insurance Program (CHIP)
* Currently, CHIP covers 0.3% of all children under age 1 for about 12 months of coverage and 2.7% of all children ages 1-5 on average of 6 months of coverage
* Other state programs that serve children and pregnancy women/families will experience increased expenses
* There will be cost savings to the state related to implementation of the bill as abortion facilities will no longer be required in the Health and Human Services Commission
* Texas Medical Board, Office of AG, and Office of Court Administration indicate any cost to implement provisions of the bill would be minimal

**Analysis:**

* The goal of the bill is to end the practice of abortion in the state of Texas
* If *Roe* and *Casey* are overturned, abortion law-making authority returns to the state legislatures.
* 10 states (at the time of this analysis) have enacted similar pieces of legislation
* The bill goes into effect 30 days after SCOTUS **issues a judgment** overturning, in part or wholly, the decisions in *Roe* or *Casey*