

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FOURTEENTH DAY

(Continued)

(Thursday, February 17, 2011)

AFTER RECESS

The Senate met at 11:09 a.m. and was called to order by the President.

RESOLUTION SIGNED

The President announced the signing of the following enrolled resolution in the presence of the Senate: **HCR 52**.

PHYSICIAN OF THE DAY

Senator Wentworth was recognized and presented Dr. Michael Dominguez of San Antonio as the Physician of the Day.

The Senate welcomed Dr. Dominguez and thanked him for his participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

GUESTS PRESENTED

Senator Nichols was recognized and introduced to the Senate a delegation from Nacogdoches.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Hegar was recognized and introduced to the Senate a delegation from Aransas County.

The Senate welcomed its guests.

INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED

The President announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

There was no objection.

GUESTS PRESENTED

Senator Birdwell was recognized and introduced to the Senate a delegation from Falls County, accompanied by Golinda Mayor Bill McClung, Lott Mayor Anita Tindall, and Marlin Mayor Norman Erskine. Also introduced were a delegation from the City of Ennis and the Leadership Ennis Class.

The Senate welcomed its guests.

SENATE RESOLUTION 297

Senator Van de Putte offered the following resolution:

SR 297, Welcoming the members of the San Antonio Chapter of the National Alliance on Mental Illness to the State Capitol and commending them for their efforts.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Van de Putte was recognized and introduced to the Senate Kym Bolado, NAMI-SAT President, Raymond Bolado, Mary Baird, and a delegation from the San Antonio Affiliate of the National Alliance on Mental Illness.

The Senate welcomed its guests.

SENATE CONCURRENT RESOLUTION 17

The President laid before the Senate the following resolution:

WHEREAS, Section 17, Article III, Texas Constitution, provides that neither house of the legislature may adjourn for more than three days without the consent of the other house; now, therefore, be it

RESOLVED by the 82nd Legislature of the State of Texas, That each house grant the other permission to adjourn for more than three days during the period beginning on Thursday, February 17, 2011, and ending on Tuesday, February 22, 2011.

WHITMIRE

SCR 17 was read.

On motion of Senator Whitmire, the resolution was considered immediately and was adopted by the following vote: Yeas 31, Nays 0.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

February 17, 2011

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HCR 49, Commemorating the 20th anniversary of Austin Energy Green Building.

SCR 13, Congratulating the Hardin-Simmons University women's soccer team on winning a national championship title.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

CONCLUSION OF MORNING CALL

The President at 11:21 a.m. announced the conclusion of morning call.

AT EASE

The President at 11:21 a.m. announced the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

The President at 11:29 a.m. called the Senate to order as In Legislative Session.

(Senator Wentworth in Chair)

(President in Chair)

COMMITTEE SUBSTITUTE

SENATE BILL 16 ON SECOND READING

Senator Patrick moved that the regular order of business be suspended and that **CSSB 16** be taken up for consideration at this time (Submitted by Governor as an emergency matter):

CSSB 16, Relating to informed consent to an abortion.

The motion prevailed by the following vote: Yeas 21, Nays 10.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Williams, Zaffirini.

Nays: Davis, Ellis, Gallegos, Hinojosa, Rodriguez, Van de Putte, Watson, Wentworth, West, Whitmire.

The bill was read second time.

Senator Deuell offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 16** (senate committee printing) in SECTION 2 of the bill, in added Section 171.012(a)(4)(D), Health and Safety Code (page 2, line 26), between "**(D)**" and "makes", insert "the physician who is to perform the abortion or an agent of the physician who is also a sonographer certified by a national registry of medical sonographers".

The amendment to **CSSB 16** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

Senator Uresti offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 16** as follows:

(1) In SECTION 2 of the bill (senate committee printing, page 2, line 12), strike "24" and substitute "two".

(2) In SECTION 2 of the bill (senate committee printing, page 2, lines 31-42), strike amended Section 171.012(a)(5), Health and Safety Code, and substitute the following:

(5) [~~(3) in writing~~] before receiving a sonogram under Subdivision (4)(A) and before the abortion is performed, the pregnant woman completes and certifies with her signature an election form that states as follows:

"ABORTION AND SONOGRAM ELECTION

(1) THE INFORMATION AND PRINTED MATERIALS DESCRIBED BY SECTIONS 171.012(A)(1)-(3), TEXAS HEALTH AND SAFETY CODE, HAVE BEEN PROVIDED AND EXPLAINED TO ME.

(2) I UNDERSTAND THE NATURE AND CONSEQUENCES OF AN ABORTION.

(3) I HAVE BEEN PROVIDED WITH AND HAVE HAD THE OPPORTUNITY TO REVIEW THE SONOGRAM IMAGES AND HEAR THE HEART AUSCULTATION AS REQUIRED BY SECTION 171.012(A)(4), TEXAS HEALTH AND SAFETY CODE.

(4) I UNDERSTAND THAT I HAVE A RIGHT TO VIEW THE SONOGRAM IMAGES.

(5) I UNDERSTAND THAT I HAVE A RIGHT TO HEAR THE HEART AUSCULTATION.

(6) I ELECT NOT TO RECEIVE A VERBAL EXPLANATION OF THE SONOGRAM IMAGES (CHECK ONE OF THE FOLLOWING):

BECAUSE I AM PREGNANT AS A RESULT OF A SEXUAL ASSAULT, INCEST, OR OTHER VIOLATION OF THE TEXAS PENAL CODE THAT HAS BEEN REPORTED TO LAW ENFORCEMENT AUTHORITIES OR THAT HAS NOT BEEN REPORTED BECAUSE I REASONABLY BELIEVE THAT DOING SO WOULD PUT ME AT RISK OF RETALIATION RESULTING IN SERIOUS BODILY INJURY.

BECAUSE I AM A MINOR AND OBTAINING AN ABORTION IN ACCORDANCE WITH JUDICIAL BYPASS PROCEDURES UNDER CHAPTER 33, TEXAS FAMILY CODE.

BECAUSE MY FETUS HAS AN IRREVERSIBLE MEDICAL CONDITION OR ABNORMALITY, AS IDENTIFIED BY RELIABLE DIAGNOSTIC PROCEDURES AND DOCUMENTED IN MY MEDICAL FILE.

I AM MAKING THIS ELECTION OF MY OWN FREE WILL AND WITHOUT COERCION.

SIGNATURE

DATE ~~[that the information~~

~~described by Subdivisions (1) and (2) has been provided to her and that she has been informed of her opportunity to review the information described by Section 171.014];~~

(3) In SECTION 2 of the bill (senate committee printing, page 2, line 52), strike "and [by telephone or]" and substitute "by telephone or".

(4) In SECTION 3 of the bill (senate committee printing, page 3, lines 5-14), strike added Section 171.012(d), Health and Safety Code, and substitute the following:

(d) A pregnant woman may choose not to receive the verbal explanation of the results of the sonogram images under Section 171.012(a)(4)(C) if:

(1) the woman's pregnancy is a result of a sexual assault, incest, or other violation of the Penal Code that has been reported to law enforcement authorities or that has not been reported because she has a reason that she declines to reveal because she reasonably believes that to do so would put her at risk of retaliation resulting in serious bodily injury;

(2) the woman is a minor and obtaining an abortion in accordance with judicial bypass procedures under Chapter 33, Family Code; or

(3) the fetus has an irreversible medical condition or abnormality, as previously identified by reliable diagnostic procedures and documented in the woman's medical file.

The amendment to **CSSB 16** was read.

Senator Uresti withdrew Floor Amendment No. 2.

Senator Uresti offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 16** as follows:

(1) In SECTION 2 of the bill (senate committee printing, page 2, line 12), strike "24" and substitute "two".

(2) In SECTION 2 of the bill (senate committee printing, page 2, lines 31-42), strike amended Section 171.012(a)(5), Health and Safety Code, and substitute the following:

(5) ~~(3) in writing~~ before receiving a sonogram under Subdivision (4)(A) and before the abortion is performed, the pregnant woman completes and certifies with her signature an election form that states as follows:

"ABORTION AND SONOGRAM ELECTION

(1) THE INFORMATION AND PRINTED MATERIALS DESCRIBED BY SECTIONS 171.012(A)(1)-(3), TEXAS HEALTH AND SAFETY CODE, HAVE BEEN PROVIDED AND EXPLAINED TO ME.

(2) I UNDERSTAND THE NATURE AND CONSEQUENCES OF AN ABORTION.

(3) I UNDERSTAND THAT I HAVE A RIGHT TO VIEW THE SONOGRAM IMAGES.

(4) I UNDERSTAND THAT I HAVE A RIGHT TO HEAR THE HEART AUSCULTATION.

(5) I ELECT TO _____ RECEIVE _____ NOT RECEIVE A VERBAL EXPLANATION OF THE SONOGRAM IMAGES (CHECK ONE OF THE FOLLOWING):

_____ BECAUSE I AM PREGNANT AS A RESULT OF A SEXUAL ASSAULT, INCEST, OR OTHER VIOLATION OF THE TEXAS PENAL CODE THAT HAS BEEN REPORTED TO LAW ENFORCEMENT AUTHORITIES OR THAT HAS NOT BEEN REPORTED BECAUSE I REASONABLY BELIEVE THAT DOING SO WOULD PUT ME AT RISK OF RETALIATION RESULTING IN SERIOUS BODILY INJURY.

_____ BECAUSE I AM A MINOR AND OBTAINING AN ABORTION IN ACCORDANCE WITH JUDICIAL BYPASS PROCEDURES UNDER CHAPTER 33, TEXAS FAMILY CODE.

_____ BECAUSE MY FETUS HAS AN IRREVERSIBLE MEDICAL CONDITION OR ABNORMALITY, AS IDENTIFIED BY RELIABLE DIAGNOSTIC PROCEDURES AND DOCUMENTED IN MY MEDICAL FILE.

I AM MAKING THIS ELECTION OF MY OWN FREE WILL AND WITHOUT COERCION.

SIGNATURE _____

DATE" _____

[that the information described by Subdivisions (1) and (2) has been provided to her and that she has been informed of her opportunity to review the information described by Section 171.014];

(3) In SECTION 2 of the bill (senate committee printing, page 2, line 52), strike "and [by telephone or]" and substitute "by telephone or".

(4) In SECTION 3 of the bill (senate committee printing, page 3, lines 5-14), strike added Section 171.0121(d), Health and Safety Code, and substitute the following:

(d) A pregnant woman may choose not to receive the verbal explanation of the results of the sonogram images under Section 171.012(a)(4)(C) if:

(1) the woman's pregnancy is a result of a sexual assault, incest, or other violation of the Penal Code that has been reported to law enforcement authorities or that has not been reported because she has a reason that she declines to reveal because she reasonably believes that to do so would put her at risk of retaliation resulting in serious bodily injury;

(2) the woman is a minor and obtaining an abortion in accordance with judicial bypass procedures under Chapter 33, Family Code; or

(3) the fetus has an irreversible medical condition or abnormality, as previously identified by reliable diagnostic procedures and documented in the woman's medical file.

The amendment to **CSSB 16** was read.

Senator Uresti temporarily withdrew Floor Amendment No. 3.

Senator Harris offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSSB 16** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

The amendment to **CSSB 16** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 4.

Question — Shall **CSSB 16** as amended be passed to engrossment?

AT EASE

The President at 1:50 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

The President at 1:56 p.m. called the Senate to order as In Legislative Session.

Question — Shall **CSSB 16** as amended be passed to engrossment?

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 5

Amend **CSSB 16** (senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Section 171.002, Health and Safety Code, is amended to read as follows:

Sec. 171.002. DEFINITIONS [~~DEFINITION~~]. In this chapter:

(1) "Abortion" [~~,"abortion"~~] means 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.

(2) "Medical emergency" means a condition exists that, in a physician's good faith clinical judgment, complicates the medical condition of the pregnant woman and necessitates the immediate abortion of her pregnancy to avert her death or to avoid a serious risk of substantial impairment of a major bodily function.

SECTION 2. Section 171.012, Health and Safety Code, is amended by amending Subsections (a), (b), and (c) and adding Subsections (f) and (g) to read as follows:

(a) Consent [~~Except in the case of a medical emergency, consent~~] to an abortion is voluntary and informed only if:

(1) the physician who is to perform the abortion or the referring physician informs the pregnant woman on whom the abortion is to be performed of:

(A) the name of the physician who will perform the abortion;

(B) the particular medical risks associated with the particular abortion procedure to be employed, including, when medically accurate:

(i) the risks of infection and hemorrhage;

(ii) the potential danger to a subsequent pregnancy and of infertility; and

(iii) the possibility of increased risk of breast cancer following an induced abortion and the natural protective effect of a completed pregnancy in avoiding breast cancer;

(C) the probable gestational age of the unborn child at the time the abortion is to be performed; and

(D) the medical risks associated with carrying the child to term;

(2) the physician who is to perform the abortion or the physician's agent informs the pregnant woman that:

(A) medical assistance benefits may be available for prenatal care, childbirth, and neonatal care;

(B) the father is liable for assistance in the support of the child without regard to whether the father has offered to pay for the abortion; and

(C) public and private agencies provide pregnancy prevention counseling and medical referrals for obtaining pregnancy prevention medications or devices, including emergency contraception for victims of rape or incest; and

(3) the physician who is to perform the abortion or the physician's agent:

(A) provides ~~(D)~~ the pregnant woman with has the right to review the printed materials described by Section 171.014;

(B) informs her [5] that those materials:

(i) have been provided by the ~~[Texas]~~ Department of State Health Services;

(ii) ~~and~~ are accessible on an Internet website sponsored by the department; and

(iii) ~~[and that the materials]~~ describe the unborn child and list agencies that offer alternatives to abortion;

(C) informs her that she is not required to review those materials; and

(D) provides the pregnant woman with a form that states the following:

ULTRASOUND ELECTION

TEXAS LAW REQUIRES YOU TO UNDERGO AN ULTRASOUND PRIOR TO RECEIVING AN ABORTION.

I ELECT TO SEE NOT SEE THE ULTRASOUND.

I ELECT TO HEAR NOT HEAR THE ULTRASOUND.

I ELECT TO RECEIVE NOT RECEIVE A VERBAL EXPLANATION OF THE ULTRASOUND RESULTS.

I AM MAKING THIS ELECTION OF MY OWN FREE WILL AND WITHOUT COERCION.

SIGNATURE _____ DATE _____ ;

(4) before the abortion, the pregnant woman undergoes an obstetric ultrasound performed by the physician or the physician's agent and:

(A) views the ultrasound, unless she has elected not to view the ultrasound on the form provided under Subdivision (3)(D);

(B) hears, subject to Subsection (g), the heart auscultation in a quality consistent with current medical practice and a simultaneous verbal explanation of the heart auscultation, unless she has elected not to hear the auscultation or the explanation on the form provided under Subdivision (3)(D); and

(C) receives in a manner understandable to a layperson a simultaneous verbal explanation of the results of the ultrasound images, including a medical description of the dimensions of the embryo or fetus, the presence of cardiac activity, and the presence of external members and internal organs, unless she has elected not to receive the explanation on the form provided under Subdivision (3)(D);

(5) [~~3~~] the pregnant woman certifies in a signed, written statement [~~writing~~] before the abortion is performed that the information and the printed materials described by Subdivisions (1), [~~and~~] (2), and (3) have [~~has~~] been provided and explained to her [~~and that she has been informed of her opportunity to review the information described by Section 171.014~~]; [~~and~~]

(6) [~~4~~] before the abortion is performed, the physician who is to perform the abortion receives a copy of the signed, written certification required by Subdivision (5); and

(7) the pregnant woman is provided the name of each person who provides or explains the information required under this subsection [~~3~~].

(b) The information required to be provided under Subsections (a)(1) and (2) may not be provided by audio or video recording and must be provided:

(1) orally by telephone or in person; and

(2) at least ~~two~~ [~~24~~] hours before the abortion is to be performed.

(c) When providing the information under Subsection (a)(3) [~~(a)(2)(D)~~], the physician or the physician's agent must provide the pregnant woman with the address of the Internet website on which the printed materials described by Section 171.014 may be viewed as required by Section 171.014(e).

(f) The physician and the pregnant woman are not subject to a penalty under this chapter solely because the pregnant woman chooses not to view the printed materials or the ultrasound images or requests not to hear the heart auscultation as described by this section.

(g) Notwithstanding any other law, the physician or the physician's agent is not required to comply with Subsection (a)(4)(B) or offer the pregnant woman the opportunity to hear the heart auscultation if the technology required to comply with Subsection (a)(4)(B) is not available at the facility where the obstetric ultrasound is performed. A facility described by this subsection may omit the following statement from the form required under Subsection (a)(3)(D):

"I ELECT TO HEAR NOT HEAR THE ULTRASOUND."

SECTION 3. Subchapter B, Chapter 171, Health and Safety Code, is amended by adding Section 171.0121 to read as follows:

Sec. 171.0121. EXCEPTION FOR MEDICAL EMERGENCY. A physician may perform an abortion without obtaining informed consent under this subchapter in a medical emergency. A physician who performs an abortion in a medical emergency shall:

(1) include in the patient's medical records a statement signed by the physician certifying the nature of the medical emergency; and

(2) not later than the seventh day after the date the abortion is performed, certify to the Department of State Health Services the specific medical condition that constituted the emergency.

SECTION 4. Section 171.013(a), Health and Safety Code, is amended to read as follows:

(a) ~~The [If the woman chooses to view the materials described by Section 171.014, the]~~ physician or the physician's agent shall furnish copies of the materials described by Section 171.014 to the pregnant woman ~~[her]~~ at least 24 hours before the abortion is to be performed and shall direct the pregnant woman to the Internet website required to be published under Section 171.014(e). ~~The [A]~~ physician or the physician's agent may furnish the materials to the pregnant woman by mail if the materials are mailed, restricted delivery to addressee, at least 72 hours before the abortion is to be performed.

SECTION 5. Section 171.015, Health and Safety Code, is amended to read as follows:

Sec. 171.015. INFORMATION RELATING TO PUBLIC AND PRIVATE AGENCIES. The informational materials must include ~~[either]~~:

(1) geographically indexed materials designed to inform the pregnant woman of public and private agencies and services that:

(A) are available to assist a woman through pregnancy, childbirth, and the child's dependency, including:

(i) a comprehensive list of adoption agencies;

(ii) a description of the services the adoption agencies offer; ~~[and]~~

(iii) a description of the manner, including telephone numbers, in which an adoption agency may be contacted; and

(iv) a comprehensive list of agencies and organizations that offer obstetric ultrasound services at no cost to the pregnant woman;

(B) do not provide abortions or abortion-related services or make referrals to abortion providers; and

(C) are not affiliated with organizations that provide abortions or abortion-related services or make referrals to abortion providers; and ~~[or]~~

(2) a toll-free, 24-hour telephone number that may be called to obtain an oral list and description of agencies described by Subdivision (1) that are located near the caller and of the services the agencies offer.

SECTION 6. Section 171.017, Health and Safety Code, is amended to read as follows:

Sec. 171.017. PERIODS RUN CONCURRENTLY. If the woman is an unemancipated minor subject to Chapter 33, Family Code, the two-hour period ~~[24-hour periods]~~ established under Section ~~[Sections]~~ 171.012(b) and the 24-hour

period established under Section 171.013(a) may run concurrently with the period during which actual or constructive notice is provided under Section 33.002, Family Code.

SECTION 7. Section 164.055(a), Occupations Code, is amended to read as follows:

(a) The board may take an appropriate disciplinary action against a physician who violates Section 170.002 or Chapter 171, Health and Safety Code. The board may refuse to admit to examination or refuse to issue a license or renewal license to a person who violates that section or chapter.

SECTION 8. The purpose of this Act is to protect the health and safety of women.

SECTION 9. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

The amendment to **CSSB 16** was read.

On motion of Senator Patrick, Floor Amendment No. 5 was tabled by the following vote: Yeas 31, Nays 0.

Question — Shall **CSSB 16** as amended be passed to engrossment?

AT EASE

The President at 2:06 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

The President at 2:17 p.m. called the Senate to order as In Legislative Session.

Question — Shall **CSSB 16** as amended be passed to engrossment?

Senator Uresti again offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 16** as follows:

(1) In SECTION 2 of the bill (senate committee printing, page 2, line 12), strike "24" and substitute "two".

(2) In SECTION 2 of the bill (senate committee printing, page 2, lines 31-42), strike amended Section 171.012(a)(5), Health and Safety Code, and substitute the following:

(5) [(3) in writing] before receiving a sonogram under Subdivision (4)(A) and before the abortion is performed, the pregnant woman completes and certifies with her signature an election form that states as follows:

"ABORTION AND SONOGRAM ELECTION

(1) THE INFORMATION AND PRINTED MATERIALS DESCRIBED BY SECTIONS 171.012(A)(1)-(3), TEXAS HEALTH AND SAFETY CODE, HAVE BEEN PROVIDED AND EXPLAINED TO ME.

(2) I UNDERSTAND THE NATURE AND CONSEQUENCES OF AN ABORTION.

(3) I UNDERSTAND THAT I HAVE A RIGHT TO VIEW THE SONOGRAM IMAGES.

(4) I UNDERSTAND THAT I HAVE A RIGHT TO HEAR THE HEART AUSCULTATION.

(5) I ELECT TO RECEIVE NOT RECEIVE A VERBAL EXPLANATION OF THE SONOGRAM IMAGES (CHECK ONE OF THE FOLLOWING):

BECAUSE I AM PREGNANT AS A RESULT OF A SEXUAL ASSAULT, INCEST, OR OTHER VIOLATION OF THE TEXAS PENAL CODE THAT HAS BEEN REPORTED TO LAW ENFORCEMENT AUTHORITIES OR THAT HAS NOT BEEN REPORTED BECAUSE I REASONABLY BELIEVE THAT DOING SO WOULD PUT ME AT RISK OF RETALIATION RESULTING IN SERIOUS BODILY INJURY.

BECAUSE I AM A MINOR AND OBTAINING AN ABORTION IN ACCORDANCE WITH JUDICIAL BYPASS PROCEDURES UNDER CHAPTER 33, TEXAS FAMILY CODE.

BECAUSE MY FETUS HAS AN IRREVERSIBLE MEDICAL CONDITION OR ABNORMALITY, AS IDENTIFIED BY RELIABLE DIAGNOSTIC PROCEDURES AND DOCUMENTED IN MY MEDICAL FILE.

I AM MAKING THIS ELECTION OF MY OWN FREE WILL AND WITHOUT COERCION.

SIGNATURE

DATE" [~~that the information~~

~~described by Subdivisions (1) and (2) has been provided to her and that she has been informed of her opportunity to review the information described by Section 171.014];~~

(3) In SECTION 2 of the bill (senate committee printing, page 2, line 52), strike "~~and [by telephone or]~~" and substitute "by telephone or".

(4) In SECTION 3 of the bill (senate committee printing, page 3, lines 5-14), strike added Section 171.0121(d), Health and Safety Code, and substitute the following:

(d) A pregnant woman may choose not to receive the verbal explanation of the results of the sonogram images under Section 171.012(a)(4)(C) if:

(1) the woman's pregnancy is a result of a sexual assault, incest, or other violation of the Penal Code that has been reported to law enforcement authorities or that has not been reported because she has a reason that she declines to reveal because she reasonably believes that to do so would put her at risk of retaliation resulting in serious bodily injury;

(2) the woman is a minor and obtaining an abortion in accordance with judicial bypass procedures under Chapter 33, Family Code; or

(3) the fetus has an irreversible medical condition or abnormality, as previously identified by reliable diagnostic procedures and documented in the woman's medical file.

The amendment to **CSSB 16** was read.

Senator Uresti offered the following amendment to Floor Amendment No. 3:

Floor Amendment No. 6

Amend Floor Amendment No. 3 (Uresti) to **CSSB 16** (senate committee printing) by striking lines 17-20 of the amendment and substituting the following:

(3) I UNDERSTAND THAT I HAVE A RIGHT TO VIEW THE SONOGRAM IMAGES. I ELECT _____ TO VIEW _____ NOT TO VIEW THE SONOGRAM IMAGES.

(4) I UNDERSTAND THAT I HAVE A RIGHT TO HEAR THE HEART AUSCULTATION. I ELECT _____ TO HEAR _____ NOT TO HEAR THE HEART AUSCULTATION.

The amendment to Floor Amendment No. 3 was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 6.

Question recurring on the adoption of Floor Amendment No. 3 to **CSSB 16**, the amendment as amended was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 3 as amended except as follows:

Nays: Fraser, Harris, Nelson.

On motion of Senator Patrick and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 16 as amended was passed to engrossment by the following vote: Yeas 21, Nays 10.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Williams, Zaffirini.

Nays: Davis, Ellis, Gallegos, Hinojosa, Rodriguez, Van de Putte, Watson, Wentworth, West, Whitmire.

CO-AUTHOR OF SENATE BILL 121

On motion of Senator Ellis, Senator Hinojosa will be shown as Co-author of **SB 121**.

CO-AUTHOR OF SENATE BILL 122

On motion of Senator Ellis, Senator Hinojosa will be shown as Co-author of **SB 122**.

CO-AUTHOR OF SENATE BILL 123

On motion of Senator Ellis, Senator Hinojosa will be shown as Co-author of **SB 123**.

CO-AUTHOR OF SENATE BILL 170

On motion of Senator Ellis, Senator Hinojosa will be shown as Co-author of **SB 170**.

CO-AUTHOR OF SENATE BILL 228

On motion of Senator Nelson, Senator Nichols will be shown as Co-author of **SB 228**.

CO-AUTHOR OF SENATE BILL 565

On motion of Senator Hegar, Senator Watson will be shown as Co-author of **SB 565**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 1

On motion of Senator Ogden, Senator Fraser will be shown as Co-author of **SJR 1**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Congratulatory Resolutions

SR 284 by Davis, Recognizing David Yett on the occasion of his retirement as city attorney for the City of Fort Worth.

SR 285 by Davis and Harris, Recognizing Phillip Baker for being selected for a Liberty Mutual Firemark Award by Liberty Mutual Insurance.

SR 286 by Harris, Recognizing Jack Barker of Coppell for being selected as a Distinguished Finalist by the Prudential Spirit of Community Awards program.

SR 288 by Huffman, Commending Jacob Dillon Ray for achieving the rank of Eagle Scout.

SR 289 by Huffman, Recognizing Brian Vispo for achieving the rank of Eagle Scout.

SR 290 by Huffman, Commending Michael Joseph Bonner for achieving the rank of Eagle Scout.

SR 291 by Huffman, Commending Brook Allen Chatagnier for achieving the rank of Eagle Scout.

SR 292 by Huffman, Commending Christopher Roberts for achieving the rank of Eagle Scout.

SR 293 by Huffman, Commending Blake Edward Temple for achieving the rank of Eagle Scout.

SR 294 by Huffman, Commending William Marshall Alexander for achieving the rank of Eagle Scout.

SR 295 by Huffman, Commending Edward Dennis Alexander for achieving the rank of Eagle Scout.

SR 298 by Duncan, Recognizing Floyd and Cassie Huckaby from Runnels County on the occasion of their 70th wedding anniversary.

Official Designation Resolutions

SR 287 by Huffman, Recognizing the Freeport Host Lions Club 2011 Fishing Fiesta Barbecue Cook-off as a Texas State Barbecue Championship competition.

SR 296 by Birdwell, Celebrating West Day at the State Capitol on March 2, 2011.

SR 299 by Birdwell, Carona, Deuell, Harris, Nelson, Shapiro, and West, Celebrating Texas Farm Bureau Day at the State Capitol.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 2:34 p.m. adjourned until 2:35 p.m. today.

APPENDIX

COMMITTEE REPORT

The following committee report was received by the Secretary of the Senate:

February 17, 2011

STATE AFFAIRS — **CSSJR 1**

SIGNED BY GOVERNOR

January 28, 2011

SCR 3

RESOLUTIONS ENROLLED

February 16, 2011

SR 190, SR 243, SR 250, SR 257, SR 264, SR 274, SR 276, SR 277, SR 280, SR 281, SR 282

