

GOVERNMENT CODE

TITLE 10. GENERAL GOVERNMENT

SUBTITLE F. STATE AND LOCAL CONTRACTS AND FUND MANAGEMENT

CHAPTER 2273. PROHIBITED TRANSACTIONS

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see S.B. 33, 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 2273.001. DEFINITIONS. In this chapter:

(1) "Abortion" has the meaning assigned by Section 245.002, Health and Safety Code.

(2) "Abortion provider" means:

(A) a facility licensed under Chapter 245, Health and Safety Code; or

(B) an ambulatory surgical center licensed under Chapter 243, Health and Safety Code, that is used to perform more than 50 abortions in any 12-month period.

(3) "Affiliate" means a person or entity who enters into with another person or entity a legal relationship created or governed by at least one written instrument, including a certificate of formation, a franchise agreement, standards of affiliation, bylaws, or a license, that demonstrates:

(A) common ownership, management, or control between the parties to the relationship;

(B) a franchise granted by the person or entity to the affiliate; or

(C) the granting or extension of a license or other agreement authorizing the affiliate to use the other person's or entity's brand name, trademark, service mark, or other registered identification mark.

(4) "Governmental entity" means this state, a state agency in the executive, judicial, or legislative branch of state government, or a political subdivision of this state.

(5) "Taxpayer resource transaction" means a sale, purchase, lease, donation of money, goods, services, or real property, or any other transaction between a governmental entity and a private entity that provides to the private entity something

of value derived from state or local tax revenue, regardless of whether the governmental entity receives something of value in return. The term does not include the provision of basic public services, including fire and police protection and utilities, by a governmental entity to an abortion provider or affiliate in the same manner as the entity provides the services to the general public. The term includes advocacy or lobbying by or on behalf of a governmental entity on behalf of the interests of an abortion provider or affiliate, but does not include:

(A) an officer or employee of a governmental entity providing information to a member of the legislature or appearing before a legislative committee at the request of the member or committee;

(B) an elected official advocating for or against or otherwise influencing or attempting to influence the outcome of legislation pending before the legislature while acting in the capacity of an elected official; or

(C) an individual speaking as a private citizen on a matter of public concern.

Added by Acts 2019, 86th Leg., R.S., Ch. 501 (S.B. 22), Sec. 1, eff. September 1, 2019.

Redesignated by Acts 2021, 87th Leg., R.S., Ch. 915 (H.B. 3607), Sec. 21.001(52), eff. September 1, 2021.

Sec. 2273.002. APPLICABILITY. (a) This chapter does not apply to:

(1) a hospital licensed under Chapter 241, Health and Safety Code;

(2) the office of a physician licensed under Subtitle B, Title 3, Occupations Code, that performs 50 or fewer abortions in any 12-month period;

(3) a state hospital as defined by Section 552.0011, Health and Safety Code;

(4) a teaching hospital of a public or private institution of higher education; or

(5) an accredited residency program providing training to resident physicians.

(b) For purposes of this chapter, a facility is not considered to be an abortion provider solely based on the performance of an abortion at the facility during a medical emergency as defined by Section 171.002, Health and Safety Code.

Added by Acts 2019, 86th Leg., R.S., Ch. 501 (S.B. 22), Sec. 1, eff. September 1, 2019.

Redesignated by Acts 2021, 87th Leg., R.S., Ch. 915 (H.B. 3607), Sec. 21.001(52), eff. September 1, 2021.

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see S.B. 33, 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 2273.003. ABORTION PROVIDER AND AFFILIATE TRANSACTIONS PROHIBITED; EXCEPTION. (a) Except as provided by Subsection (b), a governmental entity may not enter into a taxpayer resource transaction with an abortion provider or an affiliate of an abortion provider.

(b) This section does not apply to a taxpayer resource transaction that is subject to a federal law in conflict with Subsection (a) as determined by the executive commissioner of the Health and Human Services Commission and confirmed in writing by the attorney general.

Added by Acts 2019, 86th Leg., R.S., Ch. 501 (S.B. 22), Sec. 1, eff. September 1, 2019.

Redesignated by Acts 2021, 87th Leg., R.S., Ch. 915 (H.B. 3607), Sec. 21.001(52), eff. September 1, 2021.

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see S.B. 33, 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 2273.004. INJUNCTION; WAIVER OF IMMUNITY. (a) The attorney general may bring an action in the name of the state to enjoin a violation of Section 2273.003. The attorney general may recover reasonable attorney's fees and costs incurred in bringing an action under this subsection.

(b) Sovereign or governmental immunity, as applicable, of a governmental entity to suit and from liability is waived to the

extent of liability created by Subsection (a).

Added by Acts 2019, 86th Leg., R.S., Ch. 501 (S.B. 22), Sec. 1, eff. September 1, 2019.

Redesignated by Acts 2021, 87th Leg., R.S., Ch. 915 (H.B. 3607), Sec. 21.001(52), eff. September 1, 2021.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 768 (H.B. 4595), Sec. 10.008, eff. September 1, 2023.

Sec. 2273.005. CONSTRUCTION OF CHAPTER. This chapter may not be construed to restrict a municipality or county from prohibiting abortion.

Added by Acts 2019, 86th Leg., R.S., Ch. 501 (S.B. 22), Sec. 1, eff. September 1, 2019.

Redesignated by Acts 2021, 87th Leg., R.S., Ch. 915 (H.B. 3607), Sec. 21.001(52), eff. September 1, 2021.