

HEALTH AND SAFETY CODE

TITLE 2. HEALTH

SUBTITLE H. PUBLIC HEALTH PROVISIONS

CHAPTER 170A. PERFORMANCE OF ABORTION

Sec. 170A.001. DEFINITIONS. In this chapter:

(1) "Abortion" has the meaning assigned by Section [245.002](#).

(2) "Fertilization" means the point in time when a male human sperm penetrates the zona pellucida of a female human ovum.

(3) "Pregnant" means the female human reproductive condition of having a living unborn child within the female's body during the entire embryonic and fetal stages of the unborn child's development from fertilization until birth.

(4) "Reasonable medical judgment" means a medical judgment made by a reasonably prudent physician, knowledgeable about a case and the treatment possibilities for the medical conditions involved.

(5) "Unborn child" means an individual living member of the homo sapiens species from fertilization until birth, including the entire embryonic and fetal stages of development.

Added by Acts 2021, 87th Leg., R.S., Ch. 800 (H.B. [1280](#)), Sec. 2, eff. August 25, 2022.

Sec. 170A.002. PROHIBITED ABORTION; EXCEPTIONS. (a) A person may not knowingly perform, induce, or attempt an abortion.

(b) It is an exception to the application of Subsection (a) that:

(1) the person performing, inducing, or attempting the abortion is a licensed physician; and

(2) in the exercise of reasonable medical judgment, the pregnant female on whom the abortion is performed, induced, or attempted has a life-threatening physical condition aggravated by, caused by, or arising from a pregnancy that places the female at risk of death or poses a serious risk of substantial impairment of a major bodily function unless the abortion is performed or induced.

(c) A physician may not take an action authorized under Subsection (b) if, at the time the abortion was performed, induced, or attempted, the person knew the risk of death or a substantial impairment of a major bodily function described by Subsection (b)(2) arose from a claim or diagnosis that the female would engage in conduct that might result in the female's death or in substantial impairment of a major bodily function.

(c-1) For purposes of Subsection (b)(2), if a pregnant woman has a life-threatening physical condition described by Subsection (b)(2), a physician may address a risk described by Subsection (b)(2) before the pregnant female suffers any effects of the risk. Subsection (b)(2) does not require that, before the physician may act:

- (1) a risk described by Subsection (b)(2) be imminent;
- (2) the pregnant female first suffer physical impairment; or
- (3) the physical condition has caused damage to the pregnant female.

(c-2) For the purposes of Subsection (b)(2), "life-threatening" means capable of causing death or potentially fatal. A life-threatening physical condition is not necessarily one actively injuring the patient.

(d) Repealed by Acts 2025, 89th Leg., R.S., Ch. 758 (S.B. [31](#)), Sec. 17(2), eff. June 20, 2025.

Added by Acts 2021, 87th Leg., R.S., Ch. 800 (H.B. [1280](#)), Sec. 2, eff. August 25, 2022.

Amended by:

Acts 2025, 89th Leg., R.S., Ch. 758 (S.B. [31](#)), Sec. 3, eff. June 20, 2025.

Acts 2025, 89th Leg., R.S., Ch. 758 (S.B. [31](#)), Sec. 17(2), eff. June 20, 2025.

Sec. 170A.0021. TREATMENT AFFECTING UNBORN CHILD; EXCEPTION. (a) Notwithstanding any other law, a physician who treats a condition described by Subsection 170A.002(b)(2) shall do so in a manner that, in the exercise of reasonable medical judgment, provides the best opportunity for survival of an unborn child.

(b) It is an exception to the application of Subsection (a) that, in a physician's reasonable medical judgment, the manner of treatment required by that subsection would create a greater risk of:

- (1) the pregnant female's death; or
- (2) substantial impairment of a major bodily function of the pregnant female.

(c) This chapter does not require a physician to delay, alter, or withhold medical treatment provided to a pregnant female if doing so would create a greater risk of:

- (1) the pregnant female's death; or
- (2) substantial impairment of a major bodily function of the pregnant female.

(d) Nothing in Subsection (c) authorizes the performance of an abortion that is prohibited by law.

Added by Acts 2025, 89th Leg., R.S., Ch. 758 (S.B. 31), Sec. 4, eff. June 20, 2025.

Sec. 170A.0022. REASONABLE MEDICAL JUDGMENT. Reasonable medical judgment in providing medical treatment to a pregnant female includes removing:

- (1) an ectopic pregnancy as defined by Section 245.002(4-a); and
- (2) a dead, unborn child whose death was caused by spontaneous abortion.

Added by Acts 2025, 89th Leg., R.S., Ch. 758 (S.B. 31), Sec. 4, eff. June 20, 2025.

Sec. 170A.0023. ACCIDENTAL OR UNINTENTIONAL DEATH. (a) This section applies to any law that provides an exception to an otherwise prohibited abortion based on a condition described by Section 170A.002(b)(2).

(b) It is an exception to the application of each law described by Subsection (a) that the death or injury of an unborn child resulted from treatment provided to a pregnant female based on a physician's reasonable medical judgment if the death of or injury to the unborn child was accidental or unintentional.

Added by Acts 2025, 89th Leg., R.S., Ch. 758 (S.B. 31), Sec. 4, eff. June 20, 2025.

Sec. 170A.003. CONSTRUCTION OF CHAPTER. This chapter may not be construed to authorize the imposition of criminal, civil, or administrative liability or penalties on a pregnant female on whom an abortion is performed, induced, or attempted.

Added by Acts 2021, 87th Leg., R.S., Ch. 800 (H.B. 1280), Sec. 2, eff. August 25, 2022.

Sec. 170A.004. CRIMINAL OFFENSE. (a) A person who violates Section 170A.002 commits an offense.

(b) An offense under this section is a felony of the second degree, except that the offense is a felony of the first degree if an unborn child dies as a result of the offense.

Added by Acts 2021, 87th Leg., R.S., Ch. 800 (H.B. 1280), Sec. 2, eff. August 25, 2022.

Sec. 170A.005. CIVIL PENALTY. A person who violates Section 170A.002 is subject to a civil penalty of not less than \$100,000 for each violation. The attorney general shall file an action to recover a civil penalty assessed under this section and may recover attorney's fees and costs incurred in bringing the action.

Added by Acts 2021, 87th Leg., R.S., Ch. 800 (H.B. 1280), Sec. 2, eff. August 25, 2022.

Sec. 170A.006. CIVIL REMEDIES UNAFFECTED. The fact that conduct is subject to a civil or criminal penalty under this chapter does not abolish or impair any remedy for the conduct that is available in a civil suit.

Added by Acts 2021, 87th Leg., R.S., Ch. 800 (H.B. 1280), Sec. 2, eff. August 25, 2022.

Sec. 170A.007. DISCIPLINARY ACTION. In addition to any other penalty that may be imposed under this chapter, the appropriate licensing authority shall revoke the license, permit,

registration, certificate, or other authority of a physician or other health care professional who performs, induces, or attempts an abortion in violation of Section [170A.002](#).

Added by Acts 2021, 87th Leg., R.S., Ch. 800 (H.B. [1280](#)), Sec. 2, eff. August 25, 2022.