



Timeline: Family Planning and Abortion Legislation in Texas 2011 - 2019

2011

September 1, 2011

Texas' Family Planning Budget Is Cut by Two-Thirds. Texas enacts legislation cutting funding for family planning services by two-thirds — from \$111 million to \$37.9 million for the 2012-2013 budget period. The remaining funds will be allocated through a three-tiered priority system, placing specialized family planning providers in the lowest tier.

<https://www.texastribune.org/2011/08/15/day-15/>

October 25, 2011

Texas Files to Exclude Planned Parenthood from the 90 Percent Federally Funded Medicaid Waiver Program. Texas submits a renewal application for the state Medicaid waiver program, the Women's Health Program, which would exclude organizations affiliated with abortion providers (such as Planned Parenthood) from participating.

<https://hhs.texas.gov/sites/hhs/files/federal-funds-1211.pdf>

2012

January 13, 2012

Texas Requires a Sonogram Before Abortion. House Bill 15 (HB 15) goes into effect, which requires that the same physician who will carry out the abortion to perform an ultrasound scan 24 hours before the abortion, display the image, provide a description, and make the fetal heartbeat audible. Therefore, this law mandates that women come to the facility for two visits at least 24 hours apart, unless they live more than 100 miles away from the nearest clinic, in which case the waiting period is reduced to 2 hours.

<http://www.legis.state.tx.us/BillLookup/BillSummary.aspx?LegSess=82R&Bill=HB15>
<https://rewire.news/legislative-tracker/legal-case/texas-medical-providers-et-al-v-lakey/>

March 2012

Request to Exclude Planned Parenthood from the 90 Percent Federally Funded Medicaid Waiver Program Is Denied. The Centers for Medicare and Medicaid Services decline the state's Women's Health Program renewal application because the exclusion criteria restricted women's abilities to choose qualified providers, which is not permitted under federal law. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4386528/>

October 2012

Exclusion of Planned Parenthood from 100 Percent State-Funded Family Planning Program Is Challenged.

After the Women's Health Program renewal application is denied, Texas decides to replace the federally supported program with a state-funded program that excludes Planned Parenthood. A suit is filed challenging the exclusion of Planned Parenthood affiliates from the newly created Texas Women's Health Program. The legal challenge is unsuccessful. <http://healthaffairs.org/blog/2016/06/28/is-there-any-room-left-for-empirical-research-on-family-planning/>

December 31, 2012

Federal Funding for the Women's Health Program Is Discontinued.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4386528/>

2013

January 1, 2013

The State Begins Administering the Texas Women's Health Program. The Texas Women's Health Program uses state revenue to cover the \$30 million of annual federal funding that had previously supported the program. Organizations affiliated with abortion providers are excluded from the program.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4386528/>

March 25, 2013

Federal Title X Funding Is Awarded to a Coalition of Texas Health Groups Instead of the Department of State Health Services. The federal government awards the federal Title X family planning grant to the Women's Health and Family Planning Association of Texas, a coalition of Texas health groups including Planned Parenthood. The legislature allocates \$43 million to the Department of State Health Services, which had previously administered the Title X grant, to fund state family planning programs that had been cut by two-thirds in 2011.

<http://www.dallasnews.com/news/local-politics/2013/03/26/texas-health-care-coalition-wins-13-million-federal-grant-for-family-planning>

July 18, 2013

Law Imposes Four New Abortion Restrictions. After calling 2 special sessions, Governor Rick Perry signs House Bill 2 (HB 2) into law, which includes four abortion restrictions:

- Abortions are banned at 20 weeks "post-fertilization," or 22 weeks from a woman's last menstrual period, excluding certain exceptions.
- Physicians performing abortion must have admitting privileges at a hospital within 30 miles of the facility.
- The provision of medication abortion must follow the protocol described in the labeling of mifepristone approved by the U.S. Food and Drug Administration.
- All abortion facilities must meet the standards of ambulatory surgical centers.

The first three components of HB 2 are scheduled to take effect on November 1, 2013. The fourth component of the law, requiring facilities to meet the standards of ambulatory surgical centers, is set to take effect on September 1, 2014. In September 2013, the second and third provisions imposed by HB 2 are challenged in

court by Planned Parenthood of Greater Texas Surgical Health Services and other plaintiffs. The U.S. Court of Appeals for the Fifth Circuit upholds these parts of the law.

<http://www.capitol.state.tx.us/BillLookup/History.aspx?LegSess=832&Bill=HB2>

<https://rewire.news/legislative-tracker/legal-case/planned-parenthood-v-abbott/>

<http://go.nationalpartnership.org/site/News2?page=NewsArticle&id=42325>

September, 2013

Expanded Primary Healthcare Program (EPHC) Begins. The legislature allocates \$100 million to provide health care for Texas resident women ages 18 and over with incomes at or below the 200 percent of the federal poverty level under the new EPHC program. Primary and preventive care services are the program's central focus, with a goal that 60 percent of women served receive contraceptive services. Program funds can also be used to cover the cost of a range of other services, such as cervical cancer screening as well as testing and treatment for chronic diseases.

<https://liberalarts.utexas.edu/txpep/files/pdf/FamilyPlanningandPrimaryHealthCareTexas.pdf>

November 1, 2013

Abortion Restrictions Go into Effect. The first three provisions of HB 2 go into effect.

<http://www.capitol.state.tx.us/BillLookup/BillSummary.aspx?LegSess=832&Bill=HB2>

2014

August 29, 2014

Whole Woman's Health and Other Abortion Providers Challenge Admitting Privileges and Ambulatory Surgical Center Requirements. The Texas-based clinic system Whole Woman's Health, as well as other abortion providers represented by the Center for Reproductive Rights, challenge the admitting privileges and ambulatory surgical center provisions of HB 2. On August 29, 2014, Federal Judge Lee Yeakel found these portions of the law to be unconstitutional and blocked the state from enforcing them. This was immediately appealed by the State of Texas.

<https://www.texastribune.org/2014/08/29/federal-judge-strikes-down-texas-abortion-regulati/>

October 2-3, 2014

Fifth Circuit Rules in Favor of HB 2, Ambulatory Surgical Center Requirements Go into Effect. On October 2, 2014, the Fifth Circuit determined that HB 2 could be enforced while the appeal moved forward. On October 3, the HB 2 provision that requires all abortion facilities to meet the standards of an ambulatory surgical center goes into effect, based on a ruling by the U.S. Fifth Circuit Court of Appeals.

<http://www.capitol.state.tx.us/BillLookup/BillSummary.aspx?LegSess=832&Bill=HB2>

October 14, 2014

Whole Woman's Health Appeals to the U.S. Supreme Court. On October 14, 2014, the U.S. Supreme Court permits facilities statewide to remain open without meeting ambulatory surgical center requirements and prohibits enforcement of the admitting privileges requirement in the plaintiff's facilities in McAllen and El Paso. This decision was in effect until the decision of the Fifth Circuit Court of Appeals was final.

<https://www.reproductiverights.org/case/whole-womans-health-v-hellerstedt>

2015

June 9, 2015

The Fifth Circuit Court of Appeals Upholds the Ambulatory Surgical Center Requirements. A panel of the court ruled that the law, with minor exceptions, did not place an undue burden on the constitutional right to abortion. The plaintiffs filed an emergency appeal to the Supreme Court of the United States.

<https://www.reproductiverights.org/case/whole-womans-health-v-hellerstedt>

June 12, 2015

Law Makes It More Difficult for Pregnant Minors to Obtain Abortion. Texas signs into law House Bill 3994 (HB 3994), making it harder for pregnant minors to obtain a judicial bypass, or court approval, to get an abortion without parental consent. HB 3994 also institutes a requirement that any woman seeking abortion present government-issued identification to prove her age.

<http://www.capitol.state.tx.us/BillLookup/History.aspx?LegSess=84R&Bill=HB3994>

June 29, 2015

U.S. Supreme Court Approves Emergency Appeal to the Fifth Circuits' Decision to Uphold Ambulatory Surgical Center Requirements for Abortion Facilities. Therefore, clinics in Texas can legally continue providing abortion care without meeting the ASC requirements at least until it is decided if the U.S. Supreme Court will review the case.

<http://www.scotusblog.com/case-files/cases/whole-womans-health-v-cole/>

September 2015

Texas Legislature Creates Healthy Texas Women Program. The legislature directs the Health and Human Services Commission to combine the Texas Women's Health Program and the Expanded Primary Healthcare Program into a new program called Healthy Texas Women, to begin on July 1, 2016.

<https://www.texastribune.org/2015/09/23/state-womens-health-programs-consolidate-july/>

November 13, 2015

US Supreme Court Agrees To Hear Challenge to HB 2. The US Supreme Court announced that it would hear a challenge to two provisions of Texas's HB 2 law. The first requires physicians who perform abortions to have admitting privileges at a hospital within 30 miles from the clinic, and the second requires abortion clinics to have facilities that are equivalent to an ambulatory surgical center (ASC).

<http://www.scotusblog.com/2015/11/justices-enter-the-fray-with-grants-in-texas-abortion-case-in-plain-english/>

2016

January 1, 2016

State Medicaid Will Reimburse Hospitals for the Cost of Postpartum IUDs and Implants. A rule change allowing the state's Medicaid policy to reimburse hospitals for the cost of long-acting reversible contraception (LARC) devices and postpartum insertion goes into effect. Hospitals that choose to offer patients the intra-uterine device or implant after giving birth will be reimbursed.

http://www.tmhp.com/News_Items/2015/12-Dec/12-31-15%20Reimbursement%20Methodology%20to%20Change%20for%20LARC%20Devices%20Effective%20January%201,%202016.pdf

March 2, 2016

Whole Woman's Health v. Hellerstedt Is Argued Before the U.S. Supreme Court. Several abortion providers challenge the admitting privileges and the ambulatory surgical center provisions of HB 2 in the case of *Whole Woman's Health v. Hellerstedt*, which is argued before the U.S. Supreme Court.

<https://www.reproductiverights.org/document/whole-womans-health-v-hellerstedt-us-supreme-court-oral-argument-transcript>

June 27, 2016

U.S. Supreme Court Rules Abortion Restrictions as Unconstitutional. The U.S. Supreme Court rules two provisions of HB 2—hospital admitting privileges for physicians and the ambulatory surgical center requirement—unconstitutional, stating that, if enforced, they would place an undue burden on women's access to abortion and offer limited health benefit.

https://www.supremecourt.gov/opinions/15pdf/15-274diff_97bf.pdf

July 1, 2016

Healthy Texas Women Program Begins. The Healthy Texas Women (HTW) program serves women ages 15-44 with incomes at or below 200 percent of the federal poverty level and provides well woman's care and contraceptive methods. Pregnant women who receive care under Medicaid are automatically enrolled into HTW, thereby preventing gaps in coverage. Minors must obtain parental consent to participate in the program.

<http://kxan.com/2016/07/25/new-texas-womens-health-program-has-family-planning-focus/>

Texas HHSC Proposes Requiring Cremation or Burial of Fetal Remains. On July 1, the Texas Health and Human Services Commission (HHSC) proposed new rules that would require abortion providers to cremate or bury fetal remains. The rule would be blocked by U.S. District judge, David Alan Ezra, later that year.

<https://www.texastribune.org/2016/07/06/texas-wants-aborted-fetuses-be-buried-or-cremated/>

December 20, 2016

Texas Plans to Remove Planned Parenthood from State Medicaid Program. State health officials deliver a final legal notice to remove Planned Parenthood from the state's Medicaid program. Planned Parenthood had previously received \$3.1 million in Medicaid funding.

<https://www.texastribune.org/2016/12/20/texas-kicks-planned-parenthood-out-medicaid/>

2017

February 21, 2017

Judge Sparks Stops Texas from Excluding Planned Parenthood from Medicaid. Judge Sparks issues a temporary injunction, blocking the state from removing Planned Parenthood from its Medicaid program. In his ruling, Sparks states that the state acted “without cause” to remove a qualified organization from the program—the state had based its decision to remove Planned Parenthood on highly edited videos that falsely suggested Planned Parenthood took part in illegal activity.

<https://www.texastribune.org/2017/02/21/planned-parenthood-medicaid-court/>

June 6, 2017

Law Imposes New Abortion Restrictions. Governor Greg Abbott signs Senate Bill 8 (SB 8) into law, requiring fetal tissue be buried or cremated and prohibiting dilation and evacuation abortion procedures, effective September 1, 2017.

<http://www.texasmonthly.com/the-daily-post/abbott-signs-fetal-burial-rule-law-texas-roundup/>

June 12, 2017

Governor Greg Abbott Approves \$284 Million in Funding for the State’s Women’s Health Programs, Level with the Previous Biennium. The programs include Healthy Texas Women (HTW), the Family Planning Program, and Breast and Cervical Cancer Services. Funds appropriated in this strategy include \$10 million in general revenue funds and \$90 million in federal funds for HTW. These amounts assume the U.S. Department of Health and Human Services will receive approval on the 1115 Demonstration Waiver for HTW. The budget does not indicate how much of the remaining funding will go to each program.

<http://texaswhc.org/wp-content/uploads/2016/04/TWHC-85th-Legislature-Detailed-Recap.pdf>

https://forabettertexas.org/images/IT_2017_CPPP_SB1_Budget_Analysis.pdf

June 15, 2017

Women’s Health Advisory Committee Is Discontinued. Governor Greg Abbott vetoes Senate Bill 790 (SB 790), which would have extended the Women’s Health Advisory Committee, a group of health care providers who advise the state on women’s health programs, by two more years. The committee, set to expire officially on August 31, 2017, holds its last meeting August 14, 2017.

<http://www.caller.com/story/opinion/forums/2017/09/08/no-happy-ending-womens-health/645593001/>

June 30, 2017

Texas Files to Receive Federal Funding for Healthy Texas Women Program. Texas submits a new 1115 Demonstration Waiver application to the Centers for Medicare and Medicaid Services (CMS), requesting federal funding for the Healthy Texas Women program, which excludes abortion providers and affiliates of abortion providers, even if the affiliates did not provide abortion care themselves.

<https://hhs.texas.gov/laws-regulations/policies-rules/waivers/healthy-texas-women-1115-waiver>

See TxPEP’s comments to CMS, which demonstrate that excluding a major provider from an existing family planning program has a dramatic negative impact on access to highly effective contraception:

<http://liberalarts.utexas.edu/txpep/official-correspondence/letter-to-cms.php>

August 15, 2017

Governor Greg Abbott Signs Two Pieces of Abortion Legislation into Law. These restrictive laws include: House Bill 13 (HB 13), which will require additional reporting on complications from abortion (effective November 14, 2017) and House Bill 214 (HB 214), which will prohibit primary health insurance plans from covering most abortions (effective December 1, 2017).

<http://www.chron.com/news/politics/texas/article/Texas-closes-in-on-new-regulations-for-abortion-11819359.php>

August 16, 2017

Law Requires Additional Reporting for Abortions Performed on Minors. Governor Greg Abbott signs House Bill 215 (HB 215), which will require additional reporting to the state on abortions performed on patients under age 18, effective November 14, 2017. The additional reporting procedures include a requirement for a physician to state if a doctor or another advocate helped a minor through the judicial bypass process, if parental consent was received, and more.

<http://www.12newsnow.com/news/governor-abbott-signs-legislation-to-strengthen-abortion-reporting-requirements/464898099>

<https://www.texastribune.org/2017/08/03/house-abortion-reporting-requirements-minors/>

The State's Maternal Mortality Task Force Is Extended. Governor Greg Abbott signs Senate Bill 17 (SB 17), which will extend the state's Maternal Mortality and Morbidity Task Force until 2023. According to a 2016 study in *Obstetrics and Gynecology*, Texas has the highest maternal mortality rate in the developed world.

<https://www.texastribune.org/2017/08/16/abbotts-signature-gives-maternal-mortality-task-force-more-time/>

August 31, 2017

Judge Yeakel Temporarily Blocks Law Restricting Dilation and Evacuation Abortion Procedures. The Texas-based clinic system Whole Woman's Health, as well as other abortion providers represented by the Center for Reproductive Rights, challenge the provision of SB 8 restricting specific methods for second-trimester abortion. On August 31, 2017, Federal Judge Lee Yeakel temporarily blocks this provision.

<https://www.nytimes.com/2017/08/31/us/texas-abortion-ruling.html?mcubz=0>

November 22, 2017

Judge Yeakel Rules Abortion Restriction as Unconstitutional. Citing an undue burden on women's access to abortion, the U.S. district judge rules the provision of SB 8 restricting dilation and evacuation abortion as unconstitutional.

<https://www.nytimes.com/2017/11/22/us/texas-abortion-law-ruling.html>

2018

September 5, 2018

Fetal Remains Law Blocked. U.S. District Judge David Alan Ezra strikes down a Texas law that would have required hospitals and clinics to bury or cremate fetal remains, part of SB 8. The state has appealed the decision to the Fifth Circuit, but a hearing has not yet been set.

<https://www.texastribune.org/2018/09/05/fetal-remains-texas-ruling-abortion-rights/>

November 9, 2018

Funding Opportunity Announcement (FOA) Requires Provision of Birth Control in 2019 Title X Grants. The most recent 2019 Title X FOA released by HHS requires future Title X grantees to provide a “broad range” of contraception, including hormonal birth control. This is a reversal from the 2018 funding announcement draft that sparked lawsuits from providers.

<https://rewire.news/article/2018/11/09/trumps-hhs-reverses-course-on-including-hormonal-birth-control-in-title-x-grants/>

2019

January 7, 2019

“The People’s Lawsuit” Challenges Texas Abortion Laws. The lawsuit *Whole Woman’s Health v. Paxton*, also known as “The People’s Lawsuit,” opens in court. NARAL Pro-Choice Texas, along with other Texas abortion funds, providers and grassroots groups, filed the collective suit on June 14, 2018 to challenge Texas abortion laws.

<https://www.dallasnews.com/news/courts/2019/01/07/texas-abortion-providers-suit-medically-unnecessary-requirements-goes-trial>

March 29, 2019

Title X Grantees Announced. The U.S. Department of Health and Human Services announces the much-awaited list of Title X grantees. Women’s Health and Family Planning Association of Texas (WHFPT) receives the major Texas award of 14 million dollars.

<https://www.hhs.gov/opa/grants-and-funding/recent-grant-awards/index.html>