



Timeline: Family Planning and Abortion Legislation in Texas 2011 - 2020

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 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/>

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. A lawsuit filed challenging the exclusion of Planned Parenthood affiliates in October 2012 was unsuccessful, and organizations affiliated with abortion providers are now excluded from the state 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 Providers 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 providers 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 gestational age, 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 outdated protocol described in the original labeling of mifepristone approved by the US 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 US 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

October 2-3, 2014

Fifth Circuit Upholds HB 2, Ambulatory Surgical Center Requirements Go into Effect. The Texas-based clinic system Whole Woman's Health, as well as other abortion providers represented by the Center for Reproductive Rights, challenged 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. 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 US 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 US Supreme Court. On October 14, 2014, the US 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 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

US Supreme Court Approves Emergency Appeal to the Fifth Circuit's Decision to Uphold Ambulatory Surgical Center Requirements for Abortion Facilities. On June 9, The Fifth Circuit Court of Appeals upheld the ambulatory surgical center requirements of HB 2, and the plaintiffs filed an emergency appeal to the Supreme Court of the United States. The US Supreme Court approves the appeal on June 29, allowing clinics in Texas to legally continue providing abortion care without meeting the ASC requirements, at least until it is decided if the 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' 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 Pregnancy 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 enrolled in pregnancy Medicaid the intra-uterine device (IUD) 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 US 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 US Supreme Court.

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

March 26, 2016

The US Food and Drug Administration Approves Updated Labeling for Mifepristone, Medication Used in Medication Abortion. The label change essentially nullifies the restrictions on medication abortion put in place by HB 2, bringing medication abortion prescribing guidelines in line with evidence-based practice, reducing the number of required in-person visits from four to two, and extending the period when patients can take the pill to 10 weeks.

<https://www.guttmacher.org/article/2016/06/public-health-implications-fda-update-medication-abortion-label>

June 27, 2016

US Supreme Court Rules Abortion Restrictions as Unconstitutional. The US 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 is blocked by US 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 legal notice to remove Planned Parenthood from the state’s Medicaid program. Planned Parenthood had previously received \$3.1 million in Medicaid funding. This was challenged and did not go into effect at this time, pending further litigation.

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

2017

May 27, 2017

Telemedicine for Abortion is Banned. Senate Bill 1107 passes, permitting telemedicine in Texas under certain circumstances. However, it does not consider a patient-provider relationship established for the provision of “abortifacient agents” to qualify under the law’s terms, and thereby bans the use of telemedicine for abortion in the state.

<https://www.tpr.org/post/telemedicine-bill-one-step-closer-governors-desk>

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 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/>

November 22, 2017

Judge Yeakel Rules Abortion Restriction as Unconstitutional. After temporary blocking it on August 31, Judge Lee Yeakel rules the provision of SB 8 restricting dilation and evacuation abortion as unconstitutional, citing an undue burden on women’s access to abortion.

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

2018

September 5, 2018

Fetal Remains Law Blocked. US 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/>

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 expansive collective suit on June 14, 2018 to challenge dozens of Texas abortion laws, some of which go back 20 years. The restrictions challenged include the 24-hour pre-abortion sonogram, rules that force doctors to provide misinformation about abortion, and a parental consent law.

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

March 29, 2019

Women’s Health and Family Planning Association of Texas is Awarded Title X Grant. The US Department of Health and Human Services announces the much-awaited list of Title X grantees, awarding the Women’s Health and Family Planning Association of Texas (WHFPT) the major Texas grant of 14 million dollars.

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

June 7, 2019

Transactions with Abortion Providers Banned on City / County Level. Senate Bill 22 is passed, which bars any "taxpayer resource transaction" between a city or county and an abortion provider or affiliate. Targeting Austin’s lease with Planned Parenthood, reproductive rights advocates note the bill's potentially large reach. For example, Attorney General Ken Paxton announced in January 2020 that this bill would prevent pre-tax donations by state employees to Planned Parenthood during the State Employee Charitable Campaign.

<https://www.austinchronicle.com/news/2019-05-17/texas-anti-choice-legislation-continues-to-damage-health-care-and-undermine-local-control/>

<https://www.texastribune.org/2020/01/10/planned-parenthood-excluded-texas-state-employee-annual-charity-drive/>

June 7, 2019

“A Women’s Right To Know” Booklet Required to be Distributed in Hard Copy. Senate Bill 24, “The Alternatives to Abortion Information Act,” clarifies an existing statute to explicitly require an abortion patient to receive a hard copy of the “A Woman’s Right to Know” booklet, as opposed to having a conversation or being directed to a website. The booklet contains inaccurate information about abortion and risks associated with the procedure.

<https://www.texastribune.org/2019/03/27/3-texas-abortion-bills-pass-committees-gaining-momentum-senate/>

June 14, 2019

Penalties Instituted for Physicians who Do Not Deliver Resuscitative Care to Fetuses Showing Signs of Life after an Abortion: House Bill 16 names penalties for physicians who do not initiate resuscitative measures and hospital transfer for fetuses showing signs of life after an induced abortion. By law, abortion is only provided up to 22 weeks from last menstrual period in Texas, and no professional medical societies recommend fetal resuscitation at or below 22 weeks.

<https://www.texasobserver.org/lies-into-laws-texas-house-passes-born-alive-anti-abortion-bill-despite-protest/>

September 1, 2019

Alternatives to Abortion Program Doubles Funding. The Alternatives to Abortion program receives \$90 million towards funding crisis pregnancy centers. The increased funding was supported by all the Republican legislators, and funded organizations historically have had little regulation and oversight.

<https://www.texastribune.org/2019/07/23/texas-anti-abortion-contract-may-be-awarded-without-competitive-bid/>

<https://www.austinchronicle.com/news/2018-07-20/crisis-pregnancy-centers-money-for-nothing/>

2020

January 22, 2020

Healthy Texas Women Program Approved for Federal Funding without Provider-of-Choice Rule. The federal government waived the provider-of-choice requirement for Texas’ fee-for-service family planning program. State-level rules exclude family planning organizations that also provide abortions from accepting federal funds for family planning services. This decision means that \$350 million in federal funding will replace state dollars that had been supporting the program since 2013.

<https://theintercept.com/2020/01/31/texas-medicaid-waiver-provider-of-choice-planned-parenthood/?fbclid=IwAR2t3TjAWULxNrls0QRYZ-V46nIDiDlIFZwSstWGYUy2LZwi --dOYCjRI>

March 22, 2020

Executive Order Issued Mostly Suspending Abortion Services in Texas. Governor Greg Abbott of Texas issued an executive order stating that all surgeries and procedures that are not medically necessary should be postponed because of the coronavirus pandemic, and further communication clarified that abortion would be included. Amidst legal challenges to the executive order, most clinics in Texas suspended services for

approximately four weeks.

<https://www.motherjones.com/coronavirus-updates/2020/03/abortion-care-coronavirus-texas-ban/>

November 23, 2020

Planned Parenthood Excluded from Medicaid in Texas

The Fifth Circuit Court of Appeals ruled that Texas can remove Planned Parenthood from the Medicaid program, which will impact the lowest-income Texans. The state cited in evidence highly edited videos of Planned Parenthood officials that were later discredited as fraud by a grand jury. After a previous ruling had been enjoined by Judge Sparks since 2017. The exclusion will go into effect February 3, 2021, after a brief extension expires.

<https://www.kut.org/health/2021-01-06/texas-gives-medicaid-recipients-using-planned-parenthood-30-days-to-find-a-new-provider>