



TEXAS HOUSE WOMEN'S HEALTH CAUCUS

April 13, 2018

Charles Smith, Executive Commissioner
Texas Health and Human Services Commission
4405 N. Lamar Blvd
Austin, TX 78756

Dear Commissioner Smith,

As members of the Texas House Women's Health Caucus and Texas Senate, we thank you for the opportunity to provide you with comments regarding proposed revisions to the Health and Human Services Commission (HHSC) booklet "So You're Pregnant, Now What?" (SYPNW). After extensive review, we have serious concerns, specifically the lack of important information regarding the judicial bypass procedure, misleading statistics regarding breast cancer and abortion risks, and biased language and imagery. In service to the health and safety of all Texas women, we request HHSC thoughtfully address the following concerns.

The booklet leaves out important information enabling young Texans to access abortion services via judicial bypass. Chapter 33, Texas Family Code, requires the department to produce and distribute informational materials that explain the rights of a minor when accessing abortion services. Specifically, the materials must explain the judicial bypass procedure. The previous version of the booklet had a detailed explanation of the judicial bypass procedure, including a helpful question and answer section addressing many questions a minor would likely have about the judicial bypass process. This version does not include the same detailed information. Also, the previous version of this booklet provided a link to the state Supreme Court website to access forms to initiate judicial bypass.¹ The new version includes no information on how to access those forms or learn more about the process on the Supreme Court website. Nor does the booklet provide any information about organizations that work to help minors in these situations, such as Jane's Due Process. As state statute requires a guardian ad litem to be appointed for the minor, contact information for organizations that serve to help minors and provide legal information in judicial bypass cases would help educate minors on their rights.

Further, judicial bypass rules call for the reimbursement of attorney's fees without regard for a minor's ability to pay. This point should be made absolutely clear in the booklet. Additionally, state law stipulates that only one parent (or legal guardian) is required to sign off on abortion access for their minor child. The revised booklet inaccurately references "parents" throughout the booklet, possibly giving the wrong impression that minors will have to obtain permission from both of their parents or legal guardians. The use of the word "parents" versus "parent" is not only an incorrect interpretation of the statute, but is deliberately misleading Texas minors who need this information when making important decisions about their lives and futures.

Our second concern is the unsubstantiated statements regarding breast cancer and abortion risks. For example, the booklet notes, "If you give birth to your baby, you are less likely to develop breast cancer in the future;" yet contains no support for this claim other than mentioning, "...doctors and scientists are actively studying

¹ Note that the previous booklet's provided link was broken and therefore did not take the reader to the correct page on the Supreme Court's website. Even with the broken link, mentioning that there was a page on the Supreme Court's website was helpful to informing a minor that they can access the judicial bypass forms somewhere online.

the complex biology of breast cancer to understand whether abortion may affect the risk of breast cancer.” Research from both the American College of Obstetricians and Gynecologists (ACOG) and the National Cancer Institute conclude there is no link between induced abortions and an increase in a woman’s chance of developing breast cancer.² We urge you to eliminate medically inaccurate information concerning breast cancer. Cancer is a life threatening disease and should not be used as a scare tactic. Further, when state-issued information is not scientifically accurate the credibility of Texas agencies and programs is severely jeopardized. The state government must provide trustworthy, medically accurate information to Texas citizens.

Additionally, the booklet shows bias against abortion when discussing the risks of abortion versus carrying a pregnancy to term. The health risks of carrying a pregnancy to term far outweigh those of elective abortion. Under abortion risks, death is listed at the top of the list of risks, although abortion is one of the safest outpatient procedures and much safer than childbirth, which is supported by the statistics cited in the booklet. Yet, when listing the risks of vaginal delivery and cesarean birth, death is listed last in the list of side effects and risk.³

Finally, the booklet uses biased vernacular and imagery. Texas women deserve objective, clear, and straightforward medical information regarding whether or not to end a pregnancy. The booklet uses non-medical terms such as "baby" instead of the medically accurate terminology of "fetus" and "embryo." If medical terminology is used in describing the dilation and evacuation procedure, for example, then the term “baby” should not be used. The term “baby” has no scientific meaning with a pregnancy in the second trimester. Further, the illustrations on pages 2-7 are not medically accurate depictions of fetuses. Photographic depictions of fetal development would be more accurate. As an alternative to the coercive tactics of providing misleading and biased information, we ask that HHSC include information on contraceptives to reduce the need for an abortion.

As legislators, we must ensure the health and safety of Texas women. We urge HHSC to address these concerns in the final version of the booklet. We look forward to working with you to bring about a medically accurate and objective booklet that will be a helpful resource for Texas minors.

Respectfully,



Jessica Farrar
Chair, Texas House Women’s Health Caucus
State Representative, District 148



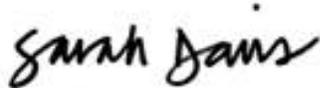
José Rodríguez
Chair, Texas Senate Democratic Caucus
State Senator, District 29

² See American College of Obstetricians and Gynecologists, Committee Opinion No. 434, Jun 2009, *available at* http://www.acog.org/Resources_And_Publications/Committee_Opinions/Committee_on_Gynecologic_Practice/Induced_Abortion_and_Breast_Cancer_Risk; “Abortion, Miscarriage, and Abortion Risk” National Cancer Institute (Jan. 12, 2010), <http://www.cancer.gov/cancertopics/factsheet/Risk/abortion-miscarriage>.

³ See page 15 of SYPNW proposed revisions: “The Centers for Disease Control and Prevention (CDC) recently reported 0.73 legal abortion-related deaths per 100,000 reported legal abortions in the United States from 2008-2001.” See page 8 of SYPNW proposed revisions: Vaginal delivery risks: “Death (very rare -- 1.7 in-hospital deaths occurring after delivery per 100,000 vaginal deliveries during 2000-2006)”. See page 9 of SYPNW proposed revisions: Cesarean birth risks: “Death (very rare -- 12.7 in-hospital maternal deaths per 100,000 cesarean deliveries occurring during 2000-2006)”.



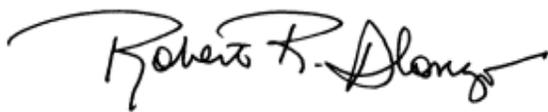
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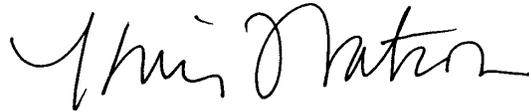
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Nicole Collier
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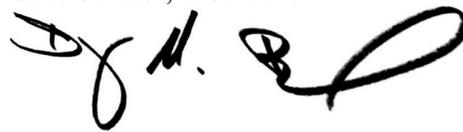
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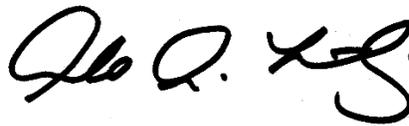
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