

VERNON'S CIVIL STATUTES
TITLE 71. HEALTH--PUBLIC
CHAPTER 6-1/2. ABORTION

The following article was held to have been impliedly repealed in
McCorvey v. Hill, 385 F.3d 846 (5th Cir. 2004).

In Section 2, Chapter 62 (S.B. 8), and Section 4, Chapter 800 (H.B. 1280), Acts of the 87th Legislature, Regular Session, 2021, the legislature finds that the state statutes enacted before the ruling in *Roe v. Wade*, 410 U.S. 113 (1973), that prohibit and criminalize abortion unless the mother's life is in danger, have not been repealed by the legislature, either expressly or by implication.

Art. 4512.1. ABORTION. If any person shall designedly administer to a pregnant woman or knowingly procure to be administered with her consent any drug or medicine, or shall use towards her any violence or means whatever externally or internally applied, and thereby procure an abortion, he shall be confined in the penitentiary not less than two nor more than five years; if it be done without her consent, the punishment shall be doubled. By "abortion" is meant that the life of the fetus or embryo shall be destroyed in the woman's womb or that a premature birth thereof be caused.

Acts 1925, 39th Leg., R.S., S.B. 7, eff. September 1, 1925. Transferred from Art. 1191, Penal Code of Texas, 1925, by Acts 1973, 63rd Leg., R.S., Ch. 399 (S.B. 34), pg. 996e, eff. January 1, 1974.

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Art. 4512.2. FURNISHING THE MEANS. Whoever furnishes the means for procuring an abortion knowing the purpose intended is

guilty as an accomplice.

Acts 1925, 39th Leg., R.S., S.B. 7, eff. September 1, 1925.
Transferred from Art. 1192, Penal Code of Texas, 1925, by Acts 1973,
63rd Leg., R.S., Ch. 399 (S.B. 34), pg. 996e, eff. January 1, 1974.

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abortion unless the mother's life is in danger, have not been
repealed by the legislature, either expressly or by implication.

Art. 4512.3. ATTEMPT AT ABORTION. If the means used shall
fail to produce an abortion, the offender is nevertheless guilty of
an attempt to produce abortion, provided it be shown that such means
were calculated to produce that result, and shall be fined not less
than one hundred nor more than one thousand dollars.

Acts 1925, 39th Leg., R.S., S.B. 7, eff. September 1, 1925.
Transferred from Art. 1193, Penal Code of Texas, 1925, by Acts 1973,
63rd Leg., R.S., Ch. 399 (S.B. 34), pg. 996e, eff. January 1, 1974.

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repealed by the legislature, either expressly or by implication.

Art. 4512.4. MURDER IN PRODUCING ABORTION. If the death of
the mother is occasioned by an abortion so produced or by an attempt
to effect the same it is murder.

Acts 1925, 39th Leg., R.S., S.B. 7, eff. September 1, 1925.
Transferred from Art. 1194, Penal Code of Texas, 1925, by Acts 1973,

63rd Leg., R.S., Ch. 399 (S.B. [34](#)), pg. 996e, eff. January 1, 1974.

Art. 4512.5. DESTROYING UNBORN CHILD. Whoever shall during parturition of the mother destroy the vitality or life in a child in a state of being born and before actual birth, which child would otherwise have been born alive, shall be confined in the penitentiary for life or for not less than five years.

Acts 1925, 39th Leg., R.S., S.B. 7, eff. September 1, 1925.

Transferred from Art. 1195, Penal Code of Texas, 1925, by Acts 1973, 63rd Leg., R.S., Ch. 399 (S.B. [34](#)), pg. 996e, eff. January 1, 1974.

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Art. 4512.6. BY MEDICAL ADVICE. Nothing in this chapter applies to an abortion procured or attempted by medical advice for the purpose of saving the life of the mother.

Acts 1925, 39th Leg., R.S., S.B. 7, eff. September 1, 1925.

Transferred from Art. 1196, Penal Code of Texas, 1925, by Acts 1973, 63rd Leg., R.S., Ch. 399 (S.B. [34](#)), pg. 996e, eff. January 1, 1974.