

1-1 By: Sheets, et al. (Senate Sponsor - Watson) H.B. No. 1670
1-2 (In the Senate - Received from the House May 14, 2015;
1-3 May 14, 2015, read first time and referred to Committee on Health
1-4 and Human Services; May 22, 2015, reported favorably by the
1-5 following vote: Yeas 9, Nays 0; May 22, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	<u>Schwertner</u>	X		
1-9	<u>Kolkhorst</u>	X		
1-10	<u>Campbell</u>	X		
1-11	<u>Estes</u>	X		
1-12	<u>Perry</u>	X		
1-13	<u>Rodríguez</u>	X		
1-14	<u>Taylor of Collin</u>	X		
1-15	<u>Uresti</u>	X		
1-16	<u>Zaffirini</u>	X		

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the possession and removal of a placenta from a hospital
1-20 or birthing center.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subtitle H, Title 2, Health and Safety Code, is
1-23 amended by adding Chapter 172 to read as follows:

1-24 CHAPTER 172. REMOVAL OF PLACENTA FROM HOSPITAL OR BIRTHING CENTER

1-25 Sec. 172.001. DEFINITIONS. In this chapter:

1-26 (1) "Birthing center" means a facility licensed under
1-27 Chapter 244.

1-28 (2) "Hospital" means a facility licensed under Chapter
1-29 241 or a hospital maintained or operated by this state.

1-30 Sec. 172.002. REMOVAL OF PLACENTA FROM HOSPITAL OR BIRTHING
1-31 CENTER. (a) Except for the portion of a delivered placenta that is
1-32 necessary for an examination described by Subsection (d), a
1-33 hospital or birthing center without a court order shall allow a
1-34 woman who has given birth in the facility, or a spouse of the woman
1-35 if the woman is incapacitated or deceased, to take possession of and
1-36 remove from the facility the placenta if:

1-37 (1) the woman tests negative for infectious diseases
1-38 as evidenced by the results of the diagnostic testing required by
1-39 Section 81.090; and

1-40 (2) the person taking possession of the placenta signs
1-41 a form prescribed by the department acknowledging that:

1-42 (A) the person has received from the hospital or
1-43 birthing center educational information prescribed by the
1-44 department concerning the spread of blood-borne diseases from
1-45 placentas, the danger of ingesting formalin, and the proper
1-46 handling of placentas; and

1-47 (B) the placenta is for personal use.

1-48 (b) A person removing a placenta from a hospital or birthing
1-49 center under this section may only retain the placenta for personal
1-50 use and may not sell the placenta.

1-51 (c) A hospital or birthing center shall retain a signed form
1-52 received under Subsection (a) with the woman's medical records.

1-53 (d) This section does not prohibit a pathological
1-54 examination of the delivered placenta that is ordered by a
1-55 physician or required by a policy of the hospital or birthing
1-56 center.

1-57 (e) This section does not authorize a woman or the woman's
1-58 spouse to interfere with a pathological examination of the
1-59 delivered placenta that is ordered by a physician or required by a
1-60 policy of the hospital or birthing center.

1-61 (f) A hospital or birthing center that allows a person to

2-1 take possession of and remove from the facility a delivered
2-2 placenta in compliance with this section is not required to dispose
2-3 of the placenta as medical waste.

2-4 (g) A hospital or birthing center that acts in accordance
2-5 with this section is not liable for the act in a civil action, a
2-6 criminal prosecution, or an administrative proceeding.

2-7 Sec. 172.003. DEPARTMENT DUTIES. The department shall
2-8 develop the form and the educational information required under
2-9 Section 172.002 and post a copy of the form and information on the
2-10 department's Internet website.

2-11 SECTION 2. (a) Not later than December 1, 2015, the
2-12 executive commissioner of the Health and Human Services Commission
2-13 shall adopt the rules necessary to implement Chapter 172, Health
2-14 and Safety Code, as added by this Act.

2-15 (b) Notwithstanding Section 172.002, Health and Safety
2-16 Code, as added by this Act, a hospital or birthing facility is not
2-17 required to comply with that section until January 1, 2016.

2-18 SECTION 3. This Act takes effect immediately if it receives
2-19 a vote of two-thirds of all the members elected to each house, as
2-20 provided by Section 39, Article III, Texas Constitution. If this
2-21 Act does not receive the vote necessary for immediate effect, this
2-22 Act takes effect September 1, 2015.

2-23 * * * * *