

By: Goodwin

H.B. No. 326

A BILL TO BE ENTITLED

AN ACT

relating to a health facility's removal of medical equipment from a deceased individual's body before transfer to a funeral director; authorizing an administrative penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 4, Health and Safety Code, is amended by adding Subtitle H to read as follows:

SUBTITLE H. POWERS AND DUTIES OF HEALTH FACILITIES

CHAPTER 331. GENERAL DUTIES OF HEALTH FACILITIES

Sec. 331.001. REMOVAL OF MEDICAL EQUIPMENT FROM DECEASED INDIVIDUAL; ADMINISTRATIVE PENALTY. (a) In this section:

(1) "Commission" means the Health and Human Services Commission.

(2) "Funeral director" has the meaning assigned by Section 651.001, Occupations Code.

(3) "Health facility" means a facility licensed under Subtitle B.

(4) "Medical equipment" means an instrument, apparatus, implement, machine, contrivance, or other article, other than an implant, that is used in the treatment, monitoring, or diagnosis of a patient, including:

(A) catheters;

(B) cannulae;

(C) defibrillator pads;

1 (D) drains;

2 (E) endotracheal tubes;

3 (F) feeding tubes; and

4 (G) intravascular lines.

5 (b) If an individual dies in a health facility, the facility
6 shall remove all medical equipment from the deceased individual's
7 body before the body is transferred to a funeral director in
8 accordance with Section 651.401, Occupations Code.

9 (c) The commission shall impose an administrative penalty
10 against a health facility that violates this section. The penalty
11 may not exceed \$500 for each violation.

12 SECTION 2. Section 331.001, Health and Safety Code, as
13 added by this Act, applies only to the body of an individual who
14 dies on or after the effective date of this Act.

15 SECTION 3. This Act takes effect September 1, 2023.