

By: Janek

S.B. No. 1392

A BILL TO BE ENTITLED

AN ACT

relating to regulation of distressed devices.

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

SECTION 1. Chapter 432, Health and Safety Code, is amended by adding Section 432.0045 to read as follows:

Sec. 432.0045. INAPPLICABILITY TO CERTAIN TRANSFERS.

(a) In this section, "hospital" means a public or private hospital licensed under Chapter 241 and a hospital owned or operated by the state.

(b) Subject to Subsection (c), this chapter does not apply to the transfer of a distressed device:

(1) from a person licensed under this chapter to a hospital; or

(2) from a hospital to another hospital.

(c) A person, including a hospital, making a transfer under Subsection (b) must provide an appropriate disclosure regarding the condition of the distressed device to the recipient of the distressed device. For the purposes of this section, "appropriate disclosure" means a concise written statement that:

(1) is dated;

(2) contains the name of the transferring person; and

(3) describes the condition of the distressed device, if known, or if unknown, states that the device may not meet manufacturer's specifications. The statement must include the

1 following, "Prior to use, a distressed device that does not meet the
2 manufacturer's specifications must be reconditioned."

3 SECTION 2. This Act takes effect September 1, 2003.