

1-1 By: Janek S.B. No. 1392
1-2 (In the Senate - Filed March 13, 2003; March 19, 2003, read
1-3 first time and referred to Committee on Health and Human Services;
1-4 April 29, 2003, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 7, Nays 0; April 29, 2003,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1392 By: Janek

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to regulation of distressed devices.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Chapter 432, Health and Safety Code, is amended
1-13 by adding Section 432.0045 to read as follows:

1-14 Sec. 432.0045. INAPPLICABILITY TO CERTAIN TRANSFERS.

1-15 (a) In this section, "hospital" means a public or private hospital
1-16 licensed under Chapter 241 and a hospital owned or operated by the
1-17 state.

1-18 (b) Subject to Subsection (c), this chapter does not apply
1-19 to the transfer of a distressed device:

1-20 (1) from a person licensed under this chapter to a
1-21 hospital; or

1-22 (2) from a hospital to another hospital.

1-23 (c) A person, including a hospital, making a transfer under
1-24 Subsection (b) must provide an appropriate disclosure regarding the
1-25 condition of the distressed device to the recipient of the
1-26 distressed device. For the purposes of this section, "appropriate
1-27 disclosure" means a concise written statement that:

1-28 (1) is dated;

1-29 (2) contains the name of the transferring person; and

1-30 (3) describes the condition of the distressed device,
1-31 if known, or if unknown, states that the device may not meet
1-32 manufacturer's specifications. The statement must include the
1-33 following, "Prior to use, a distressed device that does not meet the
1-34 manufacturer's specifications must be reconditioned."

1-35 SECTION 2. This Act takes effect September 1, 2003.

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