

By: Van de Putte

S.B. No. 1144

A BILL TO BE ENTITLED

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AN ACT

relating to limiting the promotion of infant formula by certain health care providers.

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

SECTION 1. Subchapter A, Chapter 165, Health and Safety Code, is amended by adding Section 165.005 to read as follows:

Sec. 165.005. INFANT FORMULA PROMOTION PROHIBITION. (a) A hospital, birthing center, physician, or other health care provider that provides services to mothers and infants may not promote the use of infant formula, including by:

(1) distributing without charge an infant formula or any item containing the name of an infant formula; and

(2) advertising an infant formula.

(b) Subsection (a) does not prohibit a health care provider from:

(1) providing infant formula or food instruments redeemable for infant formula under the special supplemental nutrition program for women, infants, and children; or

(2) prescribing or providing infant formula or information regarding infant formula if, in the exercise of professional judgment, the provider determines the formula or information is medically indicated.

(c) The executive commissioner of the Health and Human Services Commission shall adopt rules to implement this section.

1 SECTION 2. This Act takes effect September 1, 2005.