

BILL ANALYSIS

Senate Research Center

H.B. 635
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Health & Human Services
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, some parents who experience an unintended miscarriage are not guaranteed access to the remains of the unborn child for the purpose of burial. Some hospitals consider the remains of a fetus as human waste before a certain gestational period and dispose of the fetal remains in accordance with the hospital's disposal procedures for other human waste, including bandages, needles, and organs.

Specifically, H.B. 635:

- Amends the Health and Safety Code to require a hospital to release the remains of an unintended, intrauterine fetal death on the request of a parent of the unborn child, in a manner appropriate under law and the hospital's practice for the disposition of a human body.
- Makes clear that if the remains of an unintended, intrauterine fetal death weigh less than 350 grams, a hospital shall release the remains on the request of a parent of the unborn child, in a manner that is appropriate under law and consistent with hospital policy.

The goal of H.B. 635 is to ensure that any parent who has to endure the trauma of losing a child before birth is able to recover the fetal remains from a hospital.

H.B. 635 amends current law relating to the disposition of fetal remains.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 241, Health and Safety Code, by adding Section 241.010, as follows:

Sec. 241.010. DISPOSITION OF FETAL REMAINS. (a) Requires a hospital to release the remains of an unintended, intrauterine fetal death on the request of a parent of the unborn child, in a manner appropriate under law and the hospital's policy for disposition of a human body.

(b) Requires a hospital, notwithstanding Subsection (a), if the remains of an unintended, intrauterine fetal death weigh less than 350 grams, to release the remains on the request of a parent of the unborn child, in a manner that is appropriate under law and consistent with hospital policy.

SECTION 2. Effective date: September 1, 2015.