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et al.

H.B. No. 1670

A BILL TO BE ENTITLED

AN ACT

relating to the possession and removal of a placenta from a hospital  
or birthing center.

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

SECTION 1. Subtitle H, Title 2, Health and Safety Code, is  
amended by adding Chapter 172 to read as follows:

CHAPTER 172. REMOVAL OF PLACENTA FROM HOSPITAL OR BIRTHING CENTER

Sec. 172.001. DEFINITIONS. In this chapter:

(1) "Birthing center" means a facility licensed under  
Chapter 244.

(2) "Hospital" means a facility licensed under Chapter  
241 or a hospital maintained or operated by this state.

Sec. 172.002. REMOVAL OF PLACENTA FROM HOSPITAL OR BIRTHING  
CENTER. (a) Except for the portion of a delivered placenta that is  
necessary for an examination described by Subsection (d), a  
hospital or birthing center without a court order shall allow a  
woman who has given birth in the facility, or a spouse of the woman  
if the woman is incapacitated or deceased, to take possession of and  
remove from the facility the placenta if:

(1) the woman tests negative for infectious diseases  
as evidenced by the results of the diagnostic testing required by  
Section 81.090; and

(2) the person taking possession of the placenta signs  
a form prescribed by the department acknowledging that:

1           (A) the person has received from the hospital or  
2 birthing center educational information prescribed by the  
3 department concerning the spread of blood-borne diseases from  
4 placentas, the danger of ingesting formalin, and the proper  
5 handling of placentas; and

6           (B) the placenta is for personal use.

7           (b) A person removing a placenta from a hospital or birthing  
8 center under this section may only retain the placenta for personal  
9 use and may not sell the placenta.

10          (c) A hospital or birthing center shall retain a signed form  
11 received under Subsection (a) with the woman's medical records.

12          (d) This section does not prohibit a pathological  
13 examination of the delivered placenta that is ordered by a  
14 physician or required by a policy of the hospital or birthing  
15 center.

16          (e) This section does not authorize a woman or the woman's  
17 spouse to interfere with a pathological examination of the  
18 delivered placenta that is ordered by a physician or required by a  
19 policy of the hospital or birthing center.

20          (f) A hospital or birthing center that allows a person to  
21 take possession of and remove from the facility a delivered  
22 placenta in compliance with this section is not required to dispose  
23 of the placenta as medical waste.

24          (g) A hospital or birthing center that acts in accordance  
25 with this section is not liable for the act in a civil action, a  
26 criminal prosecution, or an administrative proceeding.

27          Sec. 172.003. DEPARTMENT DUTIES. The department shall

1 develop the form and the educational information required under  
2 Section 172.002 and post a copy of the form and information on the  
3 department's Internet website.

4 SECTION 2. (a) Not later than December 1, 2015, the  
5 executive commissioner of the Health and Human Services Commission  
6 shall adopt the rules necessary to implement Chapter 172, Health  
7 and Safety Code, as added by this Act.

8 (b) Notwithstanding Section 172.002, Health and Safety  
9 Code, as added by this Act, a hospital or birthing facility is not  
10 required to comply with that section until January 1, 2016.

11 SECTION 3. This Act takes effect immediately if it receives  
12 a vote of two-thirds of all the members elected to each house, as  
13 provided by Section 39, Article III, Texas Constitution. If this  
14 Act does not receive the vote necessary for immediate effect, this  
15 Act takes effect September 1, 2015.