

By: Cook

H.B. No. 201

A BILL TO BE ENTITLED

AN ACT

relating to disposition of fetal remains by a health care facility;  
imposing penalties.

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

SECTION 1. Subtitle B, Title 8, Health and Safety Code, is amended by adding Chapter 697 to read as follows:

CHAPTER 697. DISPOSITION OF FETAL REMAINS

Sec. 697.001. DEFINITIONS. In this chapter:

(1) "Cremation" means the irreversible process of reducing remains to ashes or bone fragments through extreme heat and evaporation.

(2) "Department" means the Department of State Health Services.

(3) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

(4) "Fetal remains" means a fetus, body parts, organs, or other tissue from a pregnancy. The term does not include the umbilical cord, placenta, gestational sac, blood, or body fluids.

(5) "Incineration" means the process of burning remains in an incinerator.

(6) "Interment" means the disposition of remains by entombment, burial, or placement in a niche.

(7) "Steam disinfection" means the act of subjecting remains to steam under pressure to disinfect the remains.

1       Sec. 697.002. DISPOSITION OF FETAL REMAINS. (a) A health  
2 care facility in this state that provides health or medical care to  
3 a pregnant woman shall dispose of any fetal remains related to that  
4 care, regardless of the period of gestation or weight of the fetus,  
5 by:

6               (1) interment;

7               (2) cremation;

8               (3) incineration followed by interment; or

9               (4) steam disinfection followed by interment.

10       (b) The executive commissioner shall adopt rules to  
11 implement this section.

12       Sec. 697.003. SUSPENSION OR REVOCATION OF LICENSE. The  
13 department may suspend or revoke the license of a health care  
14 facility that violates Section 697.002 or a rule adopted under that  
15 section.

16       Sec. 697.004. CIVIL PENALTY. (a) A health care facility  
17 that violates Section 697.002 or a rule adopted under that section  
18 is liable for a civil penalty in an amount of \$1,000 for each  
19 violation.

20       (b) The attorney general may sue to collect the penalty.  
21 The attorney general may recover reasonable expenses incurred in  
22 obtaining relief under this section, including court costs,  
23 reasonable attorney's fees, investigation costs, witness fees, and  
24 disposition expenses.

25       SECTION 2. The executive commissioner of the Health and  
26 Human Services Commission shall adopt rules to implement Chapter  
27 697, Health and Safety Code, as added by this Act, not later than

1 January 1, 2018.

2           SECTION 3. The change in law made by this Act applies only  
3 to the disposition of fetal remains that occurs on or after February  
4 1, 2018. The disposition of fetal remains that occurs before  
5 February 1, 2018, is governed by the law in effect immediately  
6 before the effective date of this Act, and the former law is  
7 continued in effect for that purpose.

8           SECTION 4. This Act takes effect September 1, 2017.