

By: Swanson

H.B. No. 2348

A BILL TO BE ENTITLED

AN ACT

1
2 relating to certificates of birth resulting in stillbirth, fetal
3 death certificates, and the disposition of fetal remains; imposing
4 administrative penalties.

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

6 SECTION 1. Section 192.0022(a)(1), Health and Safety Code,
7 is amended to read as follows:

8 (1) "Stillbirth" means an [~~unintended,~~] intrauterine
9 fetal death occurring in this state regardless of the [after a]
10 gestational age of the unborn child at the time of death [of not
11 less than 20 completed weeks].

12 SECTION 2. Chapter 193, Health and Safety Code, is amended
13 by adding Section 193.0035 to read as follows:

14 Sec. 193.0035. CERTAIN HEALTH CARE FACILITIES REQUIRED TO
15 FILE FETAL DEATH CERTIFICATE. (a) A health care facility in this
16 state that provides health or medical care to a pregnant woman shall
17 file a fetal death certificate for each unborn child that dies
18 intrauterine or is delivered with no signs of life at the facility,
19 regardless of the gestational age of the unborn child at the time of
20 death.

21 (b) If abortion is the cause of death of an unborn child, the
22 fetal death certificate must state the method of abortion.

23 SECTION 3. Section 674.001(2), Health and Safety Code, is
24 amended to read as follows:

1 (2) "Fetal death certificate" means a death
2 certificate filed for any fetus [~~weighing 350 grams or more or, if~~
3 ~~the weight is unknown, a fetus age 20 weeks or more as calculated~~
4 ~~from the start date of the last normal menstrual period to the date~~
5 ~~of delivery~~].

6 SECTION 4. Subtitle B, Title 8, Health and Safety Code, is
7 amended by adding Chapter 697 to read as follows:

8 CHAPTER 697. DISPOSITION OF FETAL REMAINS AND FILING OF FETAL DEATH
9 CERTIFICATE BY HEALTH CARE FACILITIES

10 Sec. 697.001. DEFINITIONS. In this chapter:

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

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

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

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

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

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

26 (7) "Steam disinfection" means the act of subjecting
27 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 and that is required to dispose of any fetal
4 remains related to that care shall dispose of the fetal remains,
5 regardless of the gestational age or weight of the deceased fetus,
6 by:

7 (1) interment;

8 (2) cremation;

9 (3) incineration followed by interment; or

10 (4) steam disinfection followed by interment.

11 (b) The executive commissioner shall adopt the rules
12 necessary to implement this section.

13 Sec. 697.003. FILING FETAL DEATH CERTIFICATE. A health care
14 facility in this state that provides medical care to a pregnant
15 woman shall file a fetal death certificate as required by Chapter
16 193 for each unborn child that dies intrauterine or is delivered
17 with no signs of life at the facility.

18 Sec. 697.004. SUSPENSION OR REVOCATION OF LICENSE. The
19 department may suspend or revoke the license of a health care
20 facility that violates this chapter or a rule adopted under this
21 chapter.

22 SECTION 5. As soon as practicable after the effective date
23 of this Act, the executive commissioner of the Health and Human
24 Services Commission shall adopt the rules necessary to implement
25 this Act.

26 SECTION 6. The changes in law made by this Act apply only to
27 a fetal death that occurs on or after the effective date of this

1 Act. A fetal death that occurs before the effective date of this
2 Act is governed by the law in effect immediately before the
3 effective date of this Act, and the former law is continued in
4 effect for that purpose.

5 SECTION 7. This Act takes effect September 1, 2017.