

By: Hall

S.B. No. 406

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.