

BILL ANALYSIS

Senate Research Center
88R711 JES-D

H.B. 242
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State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Many low-income persons have trouble affording or accessing necessary menstrual hygiene products. According to a survey conducted by the nonprofit organization "Free the Tampons," almost two-thirds of low-income women in the United States cannot afford menstrual hygiene products. In Texas, as per the Texas Tribune, the cost of feminine hygiene products is a barrier for students accessing education, as they miss school because they do not have adequate menstrual hygiene products. Although it is not illegal to donate feminine hygiene products, the current law does not provide immunity from civil or criminal liability for persons or organizations who donate or distribute these products. This lack of legal protection may discourage these donations.

H.B. 242 would provide legal protection for those who donate and distribute feminine hygiene products in good faith, thus encouraging more donations and ensuring that these products are available to those who need them. By reducing the financial burden associated with menstrual hygiene products, H.B. 242 would have a positive impact on the health, education, and economic outcomes of persons who experience menstrual cycles.

H.B. 242 amends current law relating to liability for the donation and distribution of feminine hygiene products.

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 Title 4, Civil Practice and Remedies Code, by adding Chapter 89A, as follows:

Sec. 89A.001. DEFINITIONS. Defines "feminine hygiene product" and "nonprofit organization."

Sec. 89A.002. LIABILITY FROM DONATION OF FEMININE HYGIENE PRODUCT. Provides that a person, including a manufacturer or distributor, is not subject to civil or criminal liability arising from the nature, age, packaging, or condition of a feminine hygiene product that the person donates in good faith to a nonprofit organization for distribution to individuals in need of the products if the donated product meets all quality and labeling standards imposed by law at the time the product is donated, even if the product is not readily marketable.

Sec. 89A.003. NONPROFIT ORGANIZATION LIABILITY FROM DISTRIBUTED FEMININE HYGIENE PRODUCT. Provides that a nonprofit organization is not subject to civil or criminal liability arising from the nature, age, packaging, or condition of a feminine hygiene product donated to the organization that the organization distributes to individuals in need of the products if the donated product meets all quality and labeling standards imposed by law at the time the product is distributed, even if the product is not readily marketable.

Sec. 89A.004. EXCEPTIONS. Provides that this chapter does not apply to a person who donates a feminine hygiene product or a nonprofit organization that distributes a donated feminine hygiene product if the person or organization, as applicable, intentionally or with gross negligence donates or distributes a product that results in injury to or death of an individual who uses or receives the product.

SECTION 2. Makes application of Chapter 89A, Civil Practice and Remedies Code, as added by this Act, prospective.

SECTION 3. Effective date: September 1, 2023.