

BILL ANALYSIS

H.B. 242
By: Howard
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Period poverty is defined by the American Medical Women's Association as a lack of adequate access to menstrual products and education. Period poverty places an undue burden on women experiencing poverty, and, according to the Alliance for Period Supplies, one in five women in Texas lives below the federal poverty line. These women face significant barriers in accessing period supplies and often miss work or school as a result. A study conducted by the Alliance for Period Supplies found that over 70 percent of female public school students from grades seven to 12 have missed school due to a lack of menstrual products, and the classification of certain menstrual products, such as tampons, as class II medical products exacerbates this issue. Class II medical products are defined by the U.S. Food and Drug Administration as "devices for which general controls alone are insufficient to provide reasonable assurance of the safety and effectiveness of the device, and for which there is sufficient information to establish special controls to provide such assurance." Due to this classification, organizations and individuals seeking to donate certain menstrual products in good faith are left liable. This acts as a disincentive for those that would otherwise donate.

H.B. 242 seeks to encourage the donation of certain menstrual products by protecting donations made in good faith from possible litigation. This protection could encourage organizations and individuals to donate necessary menstrual products to those in need and would allow organizations that already donate menstrual products, including the previously mentioned Alliance for Period Supplies, to continue their vital work.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 242 amends the Civil Practice and Remedies Code to exempt a person, including a manufacturer or distributor, or a nonprofit organization from 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 or that the nonprofit organization distributes to individuals in need of the products, respectively, if the donated product meets all quality and labeling standards imposed by law at the time the product is donated or distributed, even if the product is not readily marketable. The bill clarifies that this exemption from liability applies to a manufacturer or distributor that donates feminine hygiene products.

H.B. 242 excepts from its provisions a person or nonprofit organization that 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. The bill applies only to a cause of action that accrues on or after the bill's effective date.

EFFECTIVE DATE

September 1, 2023.