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H.B. No. 242

A BILL TO BE ENTITLED

AN ACT

relating to liability for the donation and distribution of feminine hygiene products.

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

SECTION 1. Title 4, Civil Practice and Remedies Code, is amended by adding Chapter 89A to read as follows:

CHAPTER 89A. DONATION OF FEMININE HYGIENE PRODUCTS

Sec. 89A.001. DEFINITIONS. In this chapter:

(1) "Feminine hygiene product" means a tampon, a panty liner, a menstrual cup, a sanitary napkin, or other similar item used in connection with the menstrual cycle.

(2) "Nonprofit organization" means an organization exempt from federal income taxation under Section 501(a), Internal Revenue Code of 1986, as an organization described by Section 501(c)(3) of that code.

Sec. 89A.002. LIABILITY FROM DONATION OF FEMININE HYGIENE PRODUCT. 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.

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

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

17       SECTION 2. Chapter 89A, Civil Practice and Remedies Code,  
18 as added by this Act, applies only to a cause of action that accrues  
19 on or after the effective date of this Act.

20       SECTION 3. This Act takes effect September 1, 2023.