

1-1 By: Howard, et al. (Senate Sponsor - Zaffirini) H.B. No. 242
 1-2 (In the Senate - Received from the House April 11, 2023;
 1-3 April 13, 2023, read first time and referred to Committee on State
 1-4 Affairs; May 5, 2023, reported favorably by the following vote:
 1-5 Yeas 11, Nays 0; May 5, 2023, sent to printer.)

1-6 COMMITTEE VOTE

| | Yea | Nay | Absent | PNV |
|------|-----|-----|--------|-----|
| 1-7 | | | | |
| 1-8 | X | | | |
| 1-9 | X | | | |
| 1-10 | X | | | |
| 1-11 | X | | | |
| 1-12 | X | | | |
| 1-13 | X | | | |
| 1-14 | X | | | |
| 1-15 | X | | | |
| 1-16 | X | | | |
| 1-17 | X | | | |
| 1-18 | X | | | |

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to liability for the donation and distribution of feminine
 1-22 hygiene products.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Title 4, Civil Practice and Remedies Code, is
 1-25 amended by adding Chapter 89A to read as follows:

1-26 CHAPTER 89A. DONATION OF FEMININE HYGIENE PRODUCTS

1-27 Sec. 89A.001. DEFINITIONS. In this chapter:

1-28 (1) "Feminine hygiene product" means a tampon, a panty
 1-29 liner, a menstrual cup, a sanitary napkin, or other similar item
 1-30 used in connection with the menstrual cycle.

1-31 (2) "Nonprofit organization" means an organization
 1-32 exempt from federal income taxation under Section 501(a), Internal
 1-33 Revenue Code of 1986, as an organization described by Section
 1-34 501(c)(3) of that code.

1-35 Sec. 89A.002. LIABILITY FROM DONATION OF FEMININE HYGIENE
 1-36 PRODUCT. A person, including a manufacturer or distributor, is not
 1-37 subject to civil or criminal liability arising from the nature,
 1-38 age, packaging, or condition of a feminine hygiene product that the
 1-39 person donates in good faith to a nonprofit organization for
 1-40 distribution to individuals in need of the products if the donated
 1-41 product meets all quality and labeling standards imposed by law at
 1-42 the time the product is donated, even if the product is not readily
 1-43 marketable.

1-44 Sec. 89A.003. NONPROFIT ORGANIZATION LIABILITY FROM
 1-45 DISTRIBUTED FEMININE HYGIENE PRODUCT. A nonprofit organization is
 1-46 not subject to civil or criminal liability arising from the nature,
 1-47 age, packaging, or condition of a feminine hygiene product donated
 1-48 to the organization that the organization distributes to
 1-49 individuals in need of the products if the donated product meets all
 1-50 quality and labeling standards imposed by law at the time the
 1-51 product is distributed, even if the product is not readily
 1-52 marketable.

1-53 Sec. 89A.004. EXCEPTIONS. This chapter does not apply to a
 1-54 person who donates a feminine hygiene product or a nonprofit
 1-55 organization that distributes a donated feminine hygiene product if
 1-56 the person or organization, as applicable, intentionally or with
 1-57 gross negligence donates or distributes a product that results in
 1-58 injury to or death of an individual who uses or receives the
 1-59 product.

1-60 SECTION 2. Chapter 89A, Civil Practice and Remedies Code,
 1-61 as added by this Act, applies only to a cause of action that accrues

2-1 on or after the effective date of this Act.

2-2 SECTION 3. This Act takes effect September 1, 2023.

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