

By: Paxton

S.B. No. 2445

A BILL TO BE ENTITLED

AN ACT

relating to the use of latex gloves by certain health care and food service personnel.

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

SECTION 1. Subtitle G, Title 4, Health and Safety Code, is amended by adding Chapter 328 to read as follows:

CHAPTER 328. USE OF LATEX GLOVES IN CERTAIN HEALTH CARE FACILITIES

Sec. 328.001. DEFINITION. In this chapter, "health care facility" means a hospital, emergency clinic, outpatient clinic, birthing center, or ambulatory surgical center.

Sec. 328.002. USE OF LATEX GLOVES. Except as provided by Section 328.003, an individual providing patient care in a health care facility shall, to the extent possible, prioritize using non-latex gloves when treating a patient.

Sec. 328.003. EXCEPTION. Section 328.002 does not apply during a crisis or supply chain disruption affecting the health care facility's ability to reliably source non-latex gloves.

SECTION 2. Section 438.034, Health and Safety Code, is amended by adding Subsections (c), (d), and (e) to read as follows:

(c) Except as provided by Subsections (d) and (e), if a food service establishment receives notice that someone on the property has a latex allergy, the employees of the food service establishment who handle food or unsealed food containers offered for public sale or consumption shall, to the extent possible,

1 prioritize using available non-latex gloves while handling the food  
2 or containers. This provision does not create a private cause of  
3 action or change any common law or statutory duty.

4 (d) Subsection (c) does not apply during a crisis or supply  
5 chain disruption affecting the food service establishment's  
6 ability to reliably source non-latex gloves.

7 (e) Subsection (c) does not apply to a food service  
8 establishment that is located in a hospital or primarily provides  
9 services to a hospital.

10 SECTION 3. Subchapter A, Chapter 773, Health and Safety  
11 Code, is amended by adding Section 773.018 to read as follows:

12 Sec. 773.018. PROHIBITED USE OF LATEX GLOVES. (a) Except  
13 as provided by Subsections (b) and (d), emergency medical services  
14 personnel may not use latex gloves when providing emergency medical  
15 care to an individual.

16 (b) Subsection (a) does not apply during a crisis or supply  
17 chain disruption affecting the ability of emergency medical  
18 services personnel to reliably source non-latex gloves.

19 (c) During a crisis or supply chain disruption described by  
20 Subsection (b), emergency medical services personnel shall, to the  
21 extent possible, prioritize using available non-latex gloves to  
22 treat a patient who:

23 (1) indicates the patient has a latex allergy; or

24 (2) is unconscious or otherwise physically unable to  
25 communicate and whose medical history:

26 (A) indicates the patient has a latex allergy; or

27 (B) is insufficient to indicate whether the

1 patient has a latex allergy.

2 (d) This section does not apply to emergency medical  
3 services personnel employed by a hospital.

4 SECTION 4. As soon as practicable after the effective date  
5 of this Act, the executive commissioner of the Health and Human  
6 Services Commission may adopt rules necessary to implement the  
7 changes in law made by this Act.

8 SECTION 5. Notwithstanding Sections 328.002, 438.034(c),  
9 and 773.018(a), Health and Safety Code, as added by this Act,  
10 individuals providing patient care in a health care facility,  
11 employees of a food service establishment, or emergency medical  
12 services personnel are not required to comply with those provisions  
13 until January 1, 2024.

14 SECTION 6. This Act takes effect September 1, 2023.