

BILL ANALYSIS

Senate Research Center

H.B. 37
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Health & Human Services
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 37 creates a perinatal bereavement care initiative, administered by the Texas Department of State Health Services (DSHS), to support families after a stillbirth, neonatal death, or intrauterine fetal demise. The bill requires hospitals with a maternal level of care designation to offer bereavement counseling and provide any available devices that preserve a baby's body for the duration of a medically recommended hospital stay. DSHS may provide hospitals with staff training, bereavement devices and maintenance support, as well as other necessary resources. Priority will be given to hospitals lacking such devices and those with high-risk maternal cases or higher birth volumes. The initiative may also include grants, funded through state appropriations or donations. Additionally, the Health and Human Services Commission must create a recognition program, in coordination with the Perinatal Advisory Council, for hospitals offering bereavement care training.

H.B. 37 amends current law relating to perinatal bereavement care provided by certain hospitals, a perinatal bereavement care initiative, and a perinatal bereavement care hospital recognition program.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 3 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Authorizes this Act to be cited as Everly's Law in honor of Everly Grace Talman, whose story inspired this legislation.

SECTION 2. Amends Subtitle G, Title 4, Health and Safety Code, by adding Chapter 328, as follows:

CHAPTER 328. PERINATAL BEREAVEMENT CARE SERVICES

Sec. 328.001. DEFINITIONS. Defines "department," "executive commissioner," "hospital," "initiative," "perinatal bereavement care," "perinatal bereavement device," and "recognition program."

Sec. 328.002. PERINATAL BEREAVEMENT CARE SERVICES REQUIRED IN CERTAIN HOSPITALS. Requires a hospital assigned a maternal level of care designation under Section 241.182 (Level of Care Designations), following an intrauterine fetal demise, neonatal death, or stillbirth, to make available to the expectant parents and family members for a period equal to the length of stay recommended by a medical professional for a birth perinatal bereavement care counseling options and any available perinatal bereavement device.

Sec. 328.003. PERINATAL BEREAVEMENT CARE INITIATIVE. (a) Requires the Department of State Health Services (DSHS) to establish and administer a perinatal bereavement care initiative (initiative) to improve access to and quality of perinatal bereavement care in this state.

(b) Authorizes DSHS, under the initiative, to provide to hospitals assigned a maternal level of care designation under Section 241.182 certain resources for the hospital's provision of perinatal bereavement care.

(c) Requires DSHS, in providing resources to hospitals under the initiative, to prioritize hospitals that lack access to a perinatal bereavement device, treat a greater number of high-risk maternal patients, and deliver a greater number of babies.

(d) Authorizes DSHS, as appropriate and using money appropriated or otherwise available for that purpose, to award grants under the initiative to hospitals assigned a maternal level of care designation under Section 241.182 to increase access to perinatal bereavement care resources.

(e) Authorizes DSHS to accept gifts, grants, and donations from any source for the purposes of the initiative.

Sec. 328.004. HOSPITAL RECOGNITION PROGRAM. Requires the executive commissioner of the Health and Human Services Commission (executive commissioner), in collaboration with the Perinatal Advisory Council established under Section 241.187, to develop and implement a program to recognize hospitals assigned a maternal level of care designation under Section 241.182 that provide perinatal bereavement care training to hospital personnel and adopt criteria for awarding recognition to a hospital under the recognition program.

SECTION 3. Authorizes the executive commissioner, as soon as practicable after the effective date of this Act, to adopt the rules necessary to implement Chapter 328, Health and Safety Code, as added by this Act.

SECTION 4. Effective date: September 1, 2025.