

BILL ANALYSIS

Senate Research Center
89R21844 EAS-F

C.S.S.B. 466
By: Paxton
Health & Human Services
5/5/2025
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

This legislative idea was brought to our attention by a constituent family who tragically lost their baby girl at ten weeks gestation. The family faced obstacles in mourning their daughter in the way they wanted because death certificates are typically required for funeral services, and the doctor did not file a fetal death certificate for the baby, saying she was not far enough along.

While Texas statute recognizes the sanctity of all human life beginning at conception, regardless of the baby's gestational age, when local physicians interpret the statutory requirement to file a fetal death certificate for unborn babies who are at least 20 weeks gestation as prohibitive of providing a fetal death certificate for younger unborn babies, this can restrict a family's access to funeral services if that is how they wish to honor and mourn their deceased child.

This bill seeks to clarify statute that families may request a fetal death certificate for an unborn baby of any gestational age, without altering the existing requirements for when the production of these certificates is required.

Key Points:

Amends Section 674.001(2), Health and Safety Code.

- Amends the definition of "fetal death certificate" to clarify that a fetal death certificate may be requested by a family member for a fetus of any weight or gestational age.
- Effective immediately with 2/3 support of both chambers, and otherwise effective September 1, 2025.

This clarifies that fetal death certificates may be requested for a fetus, even if the fetus is younger than 20 weeks gestation or weighed less than 350 grams. However, this does not change when a fetal death certificate is required to be filed (when the fetus is at least 350 grams or at least 20 weeks gestation).

The committee substitute will make the bill a Texas Legislative Council draft.

C.S.S.B. 466 amends current law relating to the definition of fetal death certificate.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 674.001(2), Health and Safety Code, to provide that "fetal death certificate" means a death certificate filed for certain fetuses, including a fetus of any weight or gestational age whose family member requests a death certificate, and to make nonsubstantive changes.

SECTION 2. Effective date: upon passage or September 1, 2025.