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et al.

H.B. No. 37

A BILL TO BE ENTITLED

AN ACT

relating to perinatal bereavement care provided by certain hospitals, a perinatal bereavement care initiative, and a perinatal bereavement care hospital recognition program.

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

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

SECTION 2. Subtitle G, Title 4, Health and Safety Code, is amended by adding Chapter 328 to read as follows:

CHAPTER 328. PERINATAL BEREAVEMENT CARE SERVICES

Sec. 328.001. DEFINITIONS. In this chapter:

(1) "Department" means the Department of State Health Services.

(2) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

(3) "Hospital" means a hospital licensed under Chapter 241 or a teaching hospital, as defined by Section 58A.001, Education Code.

(4) "Initiative" means the perinatal bereavement care initiative established under Section 328.003.

(5) "Perinatal bereavement care" means the provision of supportive care for a prenatal diagnosis of a life-limiting fetal condition.

(6) "Perinatal bereavement device" means a device with

1 technology capable of delaying for bereavement purposes the  
2 deterioration of human tissue for up to 72 hours following an  
3 intrauterine fetal demise, neonatal death, or stillbirth.

4 (7) "Recognition program" means the hospital  
5 recognition program established under Section 328.004.

6 Sec. 328.002. PERINATAL BEREAVEMENT CARE SERVICES REQUIRED  
7 IN CERTAIN HOSPITALS. A hospital assigned a maternal level of care  
8 designation under Section 241.182 shall, following an intrauterine  
9 fetal demise, neonatal death, or stillbirth, make available to the  
10 expectant parents and family members for a period equal to the  
11 length of stay recommended by a medical professional for a birth:

12 (1) perinatal bereavement care counseling options;  
13 and

14 (2) any available perinatal bereavement device.

15 Sec. 328.003. PERINATAL BEREAVEMENT CARE INITIATIVE. (a)  
16 The department shall establish and administer a perinatal  
17 bereavement care initiative to improve access to and quality of  
18 perinatal bereavement care in this state.

19 (b) Under the initiative, the department may provide to  
20 hospitals assigned a maternal level of care designation under  
21 Section 241.182 the following resources for the hospital's  
22 provision of perinatal bereavement care:

23 (1) for hospital personnel who provide maternal care,  
24 training on interacting with parents and family members in a  
25 considerate and respectful manner following an intrauterine fetal  
26 demise, neonatal death, or stillbirth;

27 (2) a perinatal bereavement device, including:

1           (A) training for personnel on the use of the  
2 device; and

3           (B) support to maintain the device; and  
4           (3) any other resources necessary for providing  
5 perinatal bereavement care.

6           (c) In providing resources to hospitals under the  
7 initiative, the department shall prioritize hospitals that:

8           (1) lack access to a perinatal bereavement device;  
9           (2) treat a greater number of high-risk maternal  
10 patients; and

11           (3) deliver a greater number of babies.

12           (d) The department, as appropriate and using money  
13 appropriated or otherwise available for that purpose, may award  
14 grants under the initiative to hospitals assigned a maternal level  
15 of care designation under Section 241.182 to increase access to  
16 perinatal bereavement care resources.

17           (e) The department may accept gifts, grants, and donations  
18 from any source for the purposes of the initiative.

19           Sec. 328.004. HOSPITAL RECOGNITION PROGRAM. The executive  
20 commissioner, in collaboration with the Perinatal Advisory Council  
21 established under Section 241.187, shall:

22           (1) develop and implement a program to recognize  
23 hospitals assigned a maternal level of care designation under  
24 Section 241.182 that provide perinatal bereavement care training to  
25 hospital personnel; and

26           (2) adopt criteria for awarding recognition to a  
27 hospital under the recognition program.

1           SECTION 3. As soon as practicable after the effective date  
2 of this Act, the executive commissioner of the Health and Human  
3 Services Commission may adopt the rules necessary to implement  
4 Chapter 328, Health and Safety Code, as added by this Act.

5           SECTION 4. This Act takes effect September 1, 2025.