

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

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

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

Sec. 328.002. PERINATAL BEREAVEMENT CARE SERVICES REQUIRED IN CERTAIN HOSPITALS. A hospital assigned a maternal level of care designation under Section 241.182 shall, following an intrauterine fetal demise, neonatal death, or stillbirth, 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:

(1) perinatal bereavement care counseling options;
and

(2) any available perinatal bereavement device.

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

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

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

(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.

President of the Senate

Speaker of the House

I certify that H.B. No. 37 was passed by the House on April 24, 2025, by the following vote: Yeas 143, Nays 2, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 37 was passed by the Senate on May 14, 2025, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____
Date

Governor