

A BILL TO BE ENTITLED  
AN ACT

relating to the possession and removal of a placenta from a hospital or birthing center.

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

SECTION 1. Subtitle H, Title 2, Health and Safety Code, is amended by adding Chapter 172 to read as follows:

CHAPTER 172. REMOVAL OF PLACENTA FROM HOSPITAL OR BIRTHING CENTER

Sec. 172.001. DEFINITIONS. In this chapter:

.(1) "Birthing center" means a facility licensed under Chapter 244.

.(2) "Hospital" means a facility licensed under Chapter 241.

Sec. 172.002. REMOVAL OF PLACENTA FROM HOSPITAL OR BIRTHING CENTER. (a) A hospital or birthing center without a court order shall allow a woman who has given birth in the facility, or a spouse of the woman if the woman is incapacitated or deceased, to take possession of and remove from the facility the delivered placenta if:

.(1) the woman tests negative for infectious diseases specified in department rules; and

.(2) the person taking possession of the placenta signs a form prescribed by the department acknowledging that:

.(A) the person has received from the hospital or birthing center educational information prescribed by the department concerning the spread of blood-borne diseases from placentas and the proper handling of placentas; and

.(B) the placenta is for personal use.

(b) A person removing a placenta from a hospital or birthing center under this section may only retain the placenta for personal use and may not sell the placenta.

(c) A hospital or birthing center shall retain a signed form received under Subsection (a) with the woman's medical records.

Sec. 172.003. DEPARTMENT DUTIES. The department shall develop the form and the educational information required under Section 172.002 and post a copy of the form and information on the department's Internet website.

SECTION 2. (a) Not later than December 1, 2015:

(1) the Department of State Health Services shall prescribe the form and educational information as required under Chapter 172, Health and Safety Code, as added by this Act; and

(2) the executive commissioner of the Health and Human Services Commission shall adopt the rules necessary to implement Chapter 172, Health and Safety Code, as added by this Act.

(b) Notwithstanding Section 172.002, Health and Safety Code, as added by this Act, a hospital or birthing facility is not required to comply with that section until January 1, 2016.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.