

CIVIL PRACTICE AND REMEDIES CODE

TITLE 4. LIABILITY IN TORT

CHAPTER 89A. DONATION OF FEMININE HYGIENE PRODUCTS

Sec. 89A.001. DEFINITIONS. In this chapter:

(1) "Feminine hygiene product" means a tampon, a panty liner, a menstrual cup, a sanitary napkin, or other similar item used in connection with the menstrual cycle.

(2) "Nonprofit organization" means an organization exempt from federal income taxation under Section 501(a), Internal Revenue Code of 1986, as an organization described by Section 501(c)(3) of that code.

Added by Acts 2023, 88th Leg., R.S., Ch. 172 (H.B. 242), Sec. 1, eff. September 1, 2023.

Sec. 89A.002. LIABILITY FROM DONATION OF FEMININE HYGIENE PRODUCT. A person, including a manufacturer or distributor, is not subject to civil or criminal liability arising from the nature, age, packaging, or condition of a feminine hygiene product that the person donates in good faith to a nonprofit organization for distribution to individuals in need of the products if the donated product meets all quality and labeling standards imposed by law at the time the product is donated, even if the product is not readily marketable.

Added by Acts 2023, 88th Leg., R.S., Ch. 172 (H.B. 242), Sec. 1, eff. September 1, 2023.

Sec. 89A.003. NONPROFIT ORGANIZATION LIABILITY FROM DISTRIBUTED FEMININE HYGIENE PRODUCT. A nonprofit organization is not subject to civil or criminal liability arising from the nature, age, packaging, or condition of a feminine hygiene product donated to the organization that the organization distributes to individuals in need of the products if the donated product meets all quality and labeling standards imposed by law at the time the product is distributed, even if the product is not readily marketable.

Added by Acts 2023, 88th Leg., R.S., Ch. 172 (H.B. 242), Sec. 1,

eff. September 1, 2023.

Sec. 89A.004. EXCEPTIONS. This chapter does not apply to a person who donates a feminine hygiene product or a nonprofit organization that distributes a donated feminine hygiene product if the person or organization, as applicable, intentionally or with gross negligence donates or distributes a product that results in injury to or death of an individual who uses or receives the product.

Added by Acts 2023, 88th Leg., R.S., Ch. 172 (H.B. [242](#)), Sec. 1, eff. September 1, 2023.