

HEALTH AND SAFETY CODE

TITLE 4. HEALTH FACILITIES

SUBTITLE G. PROVISION OF SERVICES IN CERTAIN FACILITIES

Chapter 328, consisting of Secs. 328.001 to 328.004, was added by Acts 2025, 89th Leg., R.S., Ch. 210 (H.B. 37), Sec. 2.

For another Chapter 328, consisting of Secs. 328.001 to 328.003, added by Acts 2025, 89th Leg., R.S., Ch. 376 (H.B. 754), Sec. 1, see Sec. 328.001 et seq., post.

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.

Added by Acts 2025, 89th Leg., R.S., Ch. 210 (H.B. 37), Sec. 2, eff. September 1, 2025.

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.

Added by Acts 2025, 89th Leg., R.S., Ch. 210 (H.B. 37), Sec. 2, eff. September 1, 2025.

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:

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

- (B) support to maintain the device; and

- (3) any other resources necessary for providing perinatal bereavement care.

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

- (1) lack access to a perinatal bereavement device;

- (2) treat a greater number of high-risk maternal patients; and

- (3) deliver a greater number of babies.

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

(e) The department may accept gifts, grants, and donations

from any source for the purposes of the initiative.

Added by Acts 2025, 89th Leg., R.S., Ch. 210 (H.B. 37), Sec. 2, eff. September 1, 2025.

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

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

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

Added by Acts 2025, 89th Leg., R.S., Ch. 210 (H.B. 37), Sec. 2, eff. September 1, 2025.