HEALTH AND SAFETY CODE

TITLE 2. HEALTH

SUBTITLE H. PUBLIC HEALTH PROVISIONS

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 or a hospital maintained or operated by this state.

Added by Acts 2015, 84th Leg., R.S., Ch. 740 (H.B. [1670](http://www.legis.state.tx.us/tlodocs/84R/billtext/html/HB01670F.HTM)), Sec. 1, eff. June 17, 2015.

Sec. 172.002.  REMOVAL OF PLACENTA FROM HOSPITAL OR BIRTHING CENTER. (a) Except for the portion of a delivered placenta that is necessary for an examination described by Subsection (d), 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 placenta if:

(1)  the woman tests negative for infectious diseases as evidenced by the results of the diagnostic testing required by Section 81.090; 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, the danger of ingesting formalin, 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.

(d)  This section does not prohibit a pathological examination of the delivered placenta that is ordered by a physician or required by a policy of the hospital or birthing center.

(e)  This section does not authorize a woman or the woman's spouse to interfere with a pathological examination of the delivered placenta that is ordered by a physician or required by a policy of the hospital or birthing center.

(f)  A hospital or birthing center that allows a person to take possession of and remove from the facility a delivered placenta in compliance with this section is not required to dispose of the placenta as medical waste.

(g)  A hospital or birthing center that acts in accordance with this section is not liable for the act in a civil action, a criminal prosecution, or an administrative proceeding.

Added by Acts 2015, 84th Leg., R.S., Ch. 740 (H.B. [1670](http://www.legis.state.tx.us/tlodocs/84R/billtext/html/HB01670F.HTM)), Sec. 1, eff. June 17, 2015.

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.

Added by Acts 2015, 84th Leg., R.S., Ch. 740 (H.B. [1670](http://www.legis.state.tx.us/tlodocs/84R/billtext/html/HB01670F.HTM)), Sec. 1, eff. June 17, 2015.