

BILL ANALYSIS

H.B. 1953
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Committee Report (Unamended)

BACKGROUND AND PURPOSE

A 2019 survey published in *Obstetrics & Gynecology* found that nearly two-thirds of the women surveyed had difficulty affording menstrual products in the previous year. If a woman is unable to afford menstrual products, their only course of action is to seek help from local organizations such as churches or nonprofits. However, due to the classification of tampons as "Class 2" medical devices by the FDA, nonprofit organizations often do not offer these products in order to avoid liability concerns. In order to help women in need, H.B. 1953 seeks to encourage organizations, individuals, and manufacturers to make donations of tampons by providing liability protections under certain circumstances.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1953 amends the Civil Practice and Remedies Code to exempt a person, including a manufacturer or distributor, or a nonprofit organization from 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 or that the nonprofit organization distributes to individuals in need of the products, respectively, 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. The bill clarifies that this exemption from liability applies to a manufacturer or distributor that donates feminine hygiene products.

H.B. 1953 excepts from its provisions a person or nonprofit organization that 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.

EFFECTIVE DATE

September 1, 2021.