

SUBJECT: Exempting donors and charitable organizations from certain liabilities

COMMITTEE: Judiciary & Civil Jurisprudence — favorable, without amendment

VOTE: 9 ayes — Leach, Julie Johnson, Davis, Flores, Moody, Murr, Schofield, Slawson, Vasut

0 nays

WITNESSES: For — (*Registered, but did not testify*: Jennifer Biundo, Healthy Futures of Texas; Guy Herman, Presiding Statutory Probate Judge of Texas; Amy Befeld, Texans for Lawsuit Reform; Rachel Wolleben, Texas Women’s Healthcare Coalition; Idona Griffith; and Thomas Parkinson)

Against — None

DIGEST: HB 242 would exempt a person, including a manufacturer or distributor, from civil and criminal liability related to the nature, age, packaging, or condition of feminine hygiene products the person donated in good faith to a charitable organization.

The bill also would exempt a nonprofit organization from civil and criminal liability related to the nature, age, packaging, or condition of feminine hygiene products when it distributed such products that had been donated to the organization.

To qualify for the exemption, the donated or distributed feminine hygiene product would be required to have met all quality and labeling standards imposed by law at the time the product was either donated or distributed, even if the product was not readily marketable.

The exemption under HB 242 would not apply to a person or nonprofit organization that donated or distributed feminine hygiene products if the person or organization intentionally or with gross negligence donated or distributed a product which resulted in the injuring or death of an individual that used or received the product.

The bill would take effect September 1, 2023 and would apply only to a cause of action that occurred on or after that date.

**SUPPORTERS
SAY:**

HB 242 would help provide access to period products for low-income women who were unable to afford them. Without access to period products many women miss school or work, leading to further financial challenges. Women that reuse hygiene products or use substitutes not designed for this purpose run the risk of serious infections.

Several charitable organizations are working to ensure period products are available to all women in need but find that some donors are hesitant to donate certain items. Certain feminine hygiene products are considered Class II medical devices and are subject to liability provisions. Providing liability protection for feminine hygiene products would ease liability concerns and increase both the volume of products and the types of products available to low-income women throughout Texas.

Texas adopted similar liability protections for donated food several years ago and should do the same for these essential products.

**CRITICS
SAY:**

No concerns identified.