

BILL ANALYSIS

Senate Research Center

H.B. 21
By: Corte (Duncan)
Jurisprudence
5-17-97
Engrossed

DIGEST

Current law does not provide civil protection for persons who donate drugs and medical devices to certain nonprofit organizations. As a result, persons who provide medical supplies to those in need can be subjected to lawsuits. This bill will provide regulations regarding liability for the donation of medical devices to certain nonprofit organizations.

PURPOSE

As proposed, H.B. 21 provides regulations regarding liability for the donation of medical devices to certain nonprofit organizations.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 4, Civil Practice and Remedies Code, by adding Chapter 88, as follows:

CHAPTER 88. DONATION OF MEDICAL DEVICES

Sec. 88.001. DEFINITIONS. Defines "device," "donate," and "nonprofit health care organization."

Sec. 88.002. LIABILITY FOR DAMAGES FROM DONATED DEVICE. Provides that a person authorized to possess a device is not liable for personal injury, property damage, or death resulting from the nature, age, packaging, or condition of a device that the person donates in good faith to an entity that is authorized to possess the device and that is a nonprofit health care organization for use in providing free or reduced cost health care.

Sec. 88.003. EXCEPTIONS. Provides that this chapter does not apply to certain persons. Provides that this chapter does not apply to a nonprofit health care organization unless the organization has liability insurance in effect that satisfies the requirements of Section 84.007(g).

SECTION 2. Effective date: September 1, 1997.
Makes application of this Act prospective.

SECTION 3. Emergency clause.