

BILL ANALYSIS

Senate Research Center

C.S.H.B. 391
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Health & Human Services
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Committee Report (Substituted)

DIGEST AND PURPOSE

Epidemiologic research indicates that human milk and breastfeeding of an infant, including one who is premature or sick, improves the infant's general health, growth, and development, and significantly reduces the risk of certain diseases and conditions. In some instances, a mother may be unable to breastfeed. Donor milk banks provide human milk to a baby when direct breastfeeding is not possible. C.S.H.B. 391 requires the Texas Department of Health to establish minimum guidelines for the procurement, processing, distribution, and use of human milk by donor milk banks.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 161, Health and Safety Code, by adding Subchapter G, as follows:

SUBCHAPTER G. HUMAN MILK BANKS

Sec. 171.071. MINIMUM GUIDELINES FOR HUMAN DONOR MILK BANKS.

Requires the Texas Department of Health to establish minimum guidelines for the procurement, processing, distribution, or use of human milk by donor milk banks.

SECTION 2. Requires a state agency, if before implementing any provision of this Act it determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, to request the waiver or authorization and authorizes the agency to delay implementing that provision until the waiver or authorization is granted.

SECTION 3. Effective date: September 1, 2001.

SUMMARY OF COMMITTEE CHANGES

Differs from the original by amending the Health and Safety Code, rather than the Human Resources Code, and requiring the Texas Department of Health, rather than the Health and Human Services Commission, to "establish minimum guidelines," rather than "adopt minimum standards" for the handling of human milk by donor milk banks.