

By: Thompson of Harris

H.B. No. 3041

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the manner of executing certain anatomical gift
3 records.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 692A.005, Health and Safety Code, is
6 amended by amending Subsections (a) and (b) and adding Subsection
7 (b-1) to read as follows:

8 (a) A donor may make an anatomical gift:

9 (1) by authorizing a statement or symbol indicating
10 that the donor has made an anatomical gift to be imprinted on the
11 donor's driver's license or identification card;

12 (2) in a will;

13 (3) during a terminal illness or injury of the donor,
14 by any form of communication addressed to at least two adults, at
15 least one of whom is a disinterested witness; or

16 (4) as provided in Subsection (b) or (b-1).

17 (b) A donor or other person authorized to make an anatomical
18 gift under Section 692A.004 may make a gift by a donor card or other
19 record signed by the donor or other person making the gift or by
20 authorizing that a statement or symbol indicating the donor has
21 made an anatomical gift be included on a donor registry. If the
22 donor or other person is physically unable to sign a record, the
23 record may be signed by another individual at the direction of the
24 donor or other person and must:

1 (1) be witnessed by at least two adults, at least one
2 of whom is a disinterested witness, who have signed at the request
3 of the donor or the other person, or be acknowledged before a notary
4 public; and

5 (2) state that the record has been signed and
6 witnessed or acknowledged as provided in Subdivision (1).

7 (b-1) A donor or other person authorized to make an
8 anatomical gift under Section 692A.004 may make a gift through an
9 online registry. The online registration:

10 (1) does not require the consent of another person or
11 require a witness to sign at the donor's request or a notary public
12 to acknowledge the gift; and

13 (2) constitutes a legal document under this chapter
14 that remains binding after the donor's death.

15 SECTION 2. Section 692A.006(b), Health and Safety Code, is
16 amended to read as follows:

17 (b) A record signed pursuant to Subsection (a)(1)(C) must:

18 (1) be witnessed by at least two adults, at least one
19 of whom is a disinterested witness, who have signed at the request
20 of the donor or the other person, or be acknowledged before a notary
21 public; and

22 (2) state that the record has been signed and
23 witnessed or acknowledged as provided in Subdivision (1).

24 SECTION 3. Section 692A.007(b), Health and Safety Code, is
25 amended to read as follows:

26 (b) A record signed pursuant to Subsection (a)(1)(B) must:

27 (1) be witnessed by at least two adults, at least one

1 of whom is a disinterested witness, who have signed at the request
2 of the individual, or be acknowledged before a notary public; and

3 (2) state that the record has been signed and
4 witnessed or acknowledged as provided in Subdivision (1).

5 SECTION 4. Chapter 692, Health and Safety Code, is
6 repealed.

7 SECTION 5. Sections 692A.005, 692A.006, and 692A.007,
8 Health and Safety Code, as amended by this Act, apply only to the
9 validity of a record executed on or after the effective date of this
10 Act. The validity of a record executed before the effective date of
11 this Act is governed by the law in effect on the date the record was
12 executed, and that law continues in effect for that purpose.

13 SECTION 6. The change in law made by this Act applies only
14 to a document executed on or after the effective date of this Act. A
15 document executed before the effective date of this Act is governed
16 by the law on the date the document was executed, and that law is
17 continued in effect for that purpose.

18 SECTION 7. This Act takes effect September 1, 2023.