

By: Parker, et al.

S.B. No. 2721

A BILL TO BE ENTITLED

AN ACT

relating to the licensing and regulation of persons who provide services in relation to the deceased; increasing a criminal penalty; creating a criminal offense; authorizing an administrative penalty; expanding the application of a fee.

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

SECTION 1. Section 691.001, Health and Safety Code, is amended by amending Subdivisions (1-a), (2), and (6) and adding Subdivisions (1-b), (4-a), and (4-b) to read as follows:

(1-a) "Anatomical facility" means a facility in this state inspected and approved by the commission under Section 691.034 that does not operate as a willed body program ~~[or a non-transplant anatomical donation organization]~~.

(1-b) "Anatomical specimen" means a part of a human corpse used for an educational or research purpose.

(2) "Body" means the intact corporeal remains of a human ~~[corpse]~~.

(4-a) "Donee" means a willed body program, forensic science program, or search and rescue organization or recovery team that holds a license issued by the commission authorizing the program, organization, or team to receive bodies or anatomical specimens donated for research or education.

(4-b) "Institution of higher education" and "private or independent institution of higher education" have the meanings

1 assigned by Section 61.003, Education Code.

2 (6) "Willed body program" means a program operated at  
3 an institution of higher education or private or independent  
4 institution of higher education in this state that holds a license  
5 issued by the commission under this chapter and allows a living  
6 individual to donate an ~~[the]~~ individual's body or anatomical  
7 specimen for educational or research purposes.

8 SECTION 2. Sections 691.002(a) and (b), Health and Safety  
9 Code, are amended to read as follows:

10 (a) The State Anatomical Advisory Committee is established  
11 to advise and provide expertise to the commission on matters  
12 related to the regulation and operation of donees ~~[willed body~~  
13 ~~programs, non-transplant anatomical donation organizations,~~ and  
14 anatomical facilities in this state.

15 (b) The advisory committee is composed of seven members  
16 appointed by the commission ~~[as follows:~~

17 ~~[(1) two members who represent institutions of higher~~  
18 ~~education that operate willed body programs,~~

19 ~~[(2) two members who represent non-transplant~~  
20 ~~anatomical donation organizations,~~

21 ~~[(3) two members who represent anatomical facilities,~~  
22 ~~and~~

23 ~~[(4) one public member].~~ Advisory committee members  
24 must have experience and knowledge in the donation and use of whole  
25 bodies and anatomical specimens for education and research.

26 SECTION 3. Subchapter A, Chapter 691, Health and Safety  
27 Code, is amended by adding Sections 691.003 and 691.004 to read as

1 follows:

2 Sec. 691.003. ENFORCEMENT. Each donee is subject to  
3 regulation, including investigations and enforcement, under this  
4 chapter.

5 Sec. 691.004. PROHIBITED ACTIVITIES; CRIMINAL OFFENSE;  
6 ADMINISTRATIVE PENALTY. (a) A person, other than a donee licensed  
7 by the commission, may not solicit, retrieve, preserve, transport,  
8 distribute, acquire, process, store, or arrange storage of a whole  
9 human body, anatomical specimen, or other non-transplant  
10 anatomical part for education, research, or another activity the  
11 commission has not authorized.

12 (a-1) Subsection (a) does not apply to a third party solely  
13 providing a service, including transportation, at the direction of  
14 a licensed donee in accordance with this chapter.

15 (b) A person commits an offense if the person knowingly  
16 violates Subsection (a). An offense under this section is a state  
17 jail felony.

18 (c) The commission by rule may impose an administrative  
19 penalty for a violation of this section. The amount of the  
20 administrative penalty may not exceed \$5,000 for each violation.  
21 Each day a violation continues or occurs is a separate violation for  
22 purposes of imposing a penalty. A proceeding to impose an  
23 administrative penalty under this subsection is a contested case  
24 under Chapter 2001, Government Code.

25 SECTION 4. Sections 691.010(b) and (c), Health and Safety  
26 Code, are amended to read as follows:

27 (b) The commission by rule shall establish methods by which

1 service recipients can be notified of the name, mailing address,  
2 and telephone number of the commission for the purpose of directing  
3 complaints to the commission. The commission may provide for that  
4 notification by including the information on each written contract  
5 relating to bodies willed or donated to an entity licensed or  
6 regulated by the commission or otherwise authorized by the  
7 commission to receive bodies or anatomical specimens.

8 (c) The commission shall keep an information file about each  
9 complaint filed with the commission relating to its functions under  
10 this chapter. If a written complaint is filed with the commission  
11 relating to a person or an entity licensed or regulated by the  
12 commission under this chapter, the commission shall periodically  
13 notify the parties to the complaint of the status of the complaint  
14 until final disposition unless notice would jeopardize an  
15 undercover investigation.

16 SECTION 5. Section 691.011, Health and Safety Code, is  
17 amended to read as follows:

18 Sec. 691.011. RECORDS. (a) The commission shall issue a  
19 unique identification number and maintain ~~[keep]~~ identification  
20 records of each:

21 (1) body or anatomical specimen donated to a donee;  
22 ~~[the commission]~~ and

23 (2) ~~[of each]~~ body or anatomical specimen distributed  
24 by a donee ~~[the commission]~~.

25 (b) The commission, in consultation with the advisory  
26 committee, by rule shall develop a form for a donee to document the  
27 donation or transfer of a body or anatomical specimen.

SECTION 6. Section 691.012, Health and Safety Code, is amended to read as follows:

Sec. 691.012. FEES. ~~[(a)]~~ The commission, in consultation with the advisory committee, by rule may set and collect fees in amounts reasonable and necessary to cover the cost of administering this chapter, including fees for:

(1) authorizing the receipt and distribution of ~~[receiving and distributing]~~ bodies and anatomical specimens, other than temporary custody of a body or anatomical specimen for another donee;

(2) conducting inspections and other verification activities authorized under Section 691.034; and

(3) licensing donees ~~[registering willing body programs and non-transplant anatomical donation organizations].~~

~~[(b) A non-transplant anatomical donation organization is exempt from a fee described by Subsection (a)(1).]~~

SECTION 7. Section 691.022, Health and Safety Code, is amended to read as follows:

Sec. 691.022. GENERAL DUTIES. (a) The commission shall authorize a person or entity to receive ~~[distribute]~~ bodies and anatomical specimens and to distribute bodies and specimens to persons authorized to receive a body or specimen under this chapter or Chapter 692A. ~~[This subsection does not apply to a body or specimen donated to a registered non-transplant anatomical donation organization.]~~

(b) The commission, in consultation with the advisory committee, shall adopt rules to ensure that each body and

anatomical specimen is treated with respect while in the custody of the donee [~~commission or person authorized to receive the body or specimen~~].

(c) The commission, in consultation with the advisory committee, shall adopt rules, establish procedures, and prescribe forms necessary to administer and enforce this chapter, including rules establishing licensing [~~registration~~] and inspection requirements and procedures. The commission may issue a reprimand, assess an administrative penalty, impose other penalties, or refuse to issue, revoke, suspend, or probate a license [~~registration~~] or other authorization for a violation of this chapter or a commission rule adopted under this chapter, including a violation related to an inspection conducted under Section 691.034, in the manner provided by Chapter 651, Occupations Code.

(d) The rules adopted under Subsection (c) must:

(1) require a license applicant to be of good professional character to be eligible for a license under this chapter; and

(2) provide a process for conducting a background check on each license applicant, including a review of the license applicant's criminal history record information.

(e) The commission, in adopting rules under Subsection (c) and in prescribing other necessary guidelines, shall ensure the rules and guidelines comply with Chapter 53, Occupations Code.

(f) A license issued under this chapter is not valid during the pendency of an appeal of a decision to refuse to renew, suspend, or revoke the license.

SECTION 8. The heading to Section 691.023, Health and Safety Code, is amended to read as follows:

Sec. 691.023. DUTY REGARDING DELIVERY OF ~~[TO DELIVER]~~ CERTAIN BODIES ~~[TO COMMISSION]~~.

SECTION 9. Section 691.023(a), Health and Safety Code, is amended to read as follows:

(a) An officer, employee, or representative of the state, of a political subdivision, or of an institution having charge or control of a body not claimed for burial or a body required to be buried at public expense shall:

(1) notify the commission or the commission's representative of the body's existence when the body comes into the person's possession, charge, or control if ~~[notified in writing to do so by]~~ the commission or the commission's representative provides to the person written notice of the notification requirement; and

(2) deliver the body in accordance with the direction of the commission ~~[, and~~

~~[(3) allow the commission, the commission's representative, or a physician designated by the commission who complies with this chapter to remove the body to be used for the advancement of medical or forensic science].~~

SECTION 10. Subchapter B, Chapter 691, Health and Safety Code, is amended by adding Section 691.0235 to read as follows:

Sec. 691.0235. PROHIBITED DONATION OF CERTAIN BODIES; LIMITED EXCEPTION FOR APPROVED EDUCATION AND RESEARCH. (a) Notwithstanding any other provision of this chapter except

1 Subsections (b) and (c), a person is prohibited from donating a body  
2 not claimed for burial or a body required to be buried at public  
3 expense to another person for any reason.

4 (b) A donor, by will or other written instrument in  
5 accordance with Section 691.028, may donate a donor's body to a  
6 donee licensed by the commission for use in education or research  
7 that is:

8 (1) conducted by an accredited medical, dental, health  
9 sciences, or forensic science training program supervised by  
10 professionals in educational environments in which knowledge,  
11 skills, and competencies are imparted in accordance with  
12 accrediting standards;

13 (2) designed to expand knowledge within one of the  
14 fields listed in Subdivision (1); and

15 (3) for research use, formally approved by a  
16 recognized institutional review board or an equivalent ethical  
17 oversight body.

18 (c) A person who is authorized to claim a decedent's body  
19 for burial under Section 691.024 may provide informed consent for  
20 the body to be donated to a donee licensed by the commission for use  
21 in education or research described by Subsection (b).

22 (d) The commission shall adopt rules necessary to implement  
23 this section.

24 SECTION 11. Section 691.026, Health and Safety Code, is  
25 amended to read as follows:

26 Sec. 691.026. BODY OF TRAVELER. If an unclaimed body is the  
27 body of a traveler who died suddenly, the commissioners court of the



1 county in which the traveler died ~~[commission]~~ shall ~~[direct the~~  
2 ~~institution or other person receiving the body to]~~ retain the body  
3 until the earlier of ~~[for]~~ six months or the date the body is  
4 identified and claimed ~~[for purposes of identification]~~.

5 SECTION 12. The heading to Section 691.028, Health and  
6 Safety Code, is amended to read as follows:

7 Sec. 691.028. DONATION OF BODY OR ANATOMICAL SPECIMEN BY  
8 WRITTEN INSTRUMENT.

9 SECTION 13. Sections 691.028(a), (b), (b-1), and (c),  
10 Health and Safety Code, are amended to read as follows:

11 (a) An adult living in this state who is of sound mind may  
12 donate the adult's body or anatomical specimen by will or other  
13 written instrument to a ~~[the commission, a willed body program of a~~  
14 ~~medical or dental school, a non-transplant anatomical donation~~  
15 ~~organization, or another]~~ donee in this state as authorized by the  
16 commission to be used for a purpose authorized by this chapter ~~[the~~  
17 ~~advancement of medical or forensic science]~~.

18 (b) A donation is not ~~[To be]~~ effective under Subsection (a)  
19 unless ~~[7]~~ the donor provides written ~~[must provide]~~ informed  
20 consent by signing a form prescribed by the commission in the  
21 presence of two adult witnesses ~~[the will or other written~~  
22 ~~instrument and it must be witnessed by two adults]~~. The form ~~[donor~~  
23 ~~is not required to use a particular form or particular words in~~  
24 ~~making the donation, but the will or other instrument]~~ must clearly  
25 convey:

26 (1) the donor's intent; and

27 (2) the donor's acknowledgment that the donor was

1 informed about:

2 (A) the consequences of the donation before  
3 providing consent;

4 (B) the use the donee plans for the donated body  
5 or anatomical specimen, which must comply with this chapter and  
6 commission rules [parts]; and

7 (C) if applicable, [~~any body part and~~] the  
8 condition in which the body or anatomical specimen [~~part~~] will be  
9 returned to the person designated by the donor.

10 (b-1) For purposes of Subsection (b), the donor must be  
11 informed in writing about the information described by Subsection  
12 (b)(2) in a clear manner on a single piece of paper that is 8-1/2 by  
13 11 inches with 14-point type. The commission, in consultation with  
14 the advisory committee, by rule shall design and adopt a form that  
15 complies with this subsection that donees [~~willed body programs and~~  
16 ~~non-transplant anatomical donation organizations~~] must use.

17 (c) Appointment of an administrator or executor or  
18 acquisition of a court order is not necessary before the body or  
19 anatomical specimen may be delivered under this chapter.

20 SECTION 14. Subchapter B, Chapter 691, Health and Safety  
21 Code, is amended by adding Section 691.0281 to read as follows:

22 Sec. 691.0281. DONATION OF BODY OR ANATOMICAL SPECIMEN  
23 AFTER DONOR'S DEATH. (a) Any member of the following classes of  
24 persons who is reasonably available, in the order of priority  
25 listed, may donate the donor's body or anatomical specimen to a  
26 donee specified in Section 691.030 for a purpose authorized by this  
27 chapter, unless the donor or the donor's agent made a donation under

1 Section 691.028, the donor indicated before death the donor did not  
2 want the donor's body donated, or an anatomical gift has been made  
3 in accordance with Section 692A.009:

4 (1) an agent of the donor at the time of death who  
5 could have donated the donor's body or anatomical specimen under  
6 Section 691.028;

7 (2) the donor's spouse;

8 (3) adult children of the donor;

9 (4) parents of the donor;

10 (5) adult siblings of the donor;

11 (6) adult grandchildren of the donor;

12 (7) grandparents of the donor; and

13 (8) the persons who were acting as legal guardians of  
14 the donor at the time of the donor's death.

15 (b) If more than one member of a class listed in Subsection  
16 (a)(1), (3), (4), (5), (6), (7), or (8) is entitled to donate the  
17 donor's body or anatomical specimen, a member of that class may make  
18 the donation unless that member or the donee representative  
19 coordinating the donation has actual knowledge of an objection by  
20 another member of the class. If an objection is known, the donation  
21 may be made only by a majority of the members of the class who are  
22 reasonably available.

23 (c) A person may not make a donation if, at the time of the  
24 donor's death, a person in a class with higher priority under  
25 Subsection (a) is reasonably available to make or to object to the  
26 donation.

27 (d) A donation is not effective under Subsection (a) unless

1 the person authorized to donate the donor's body or anatomical  
2 specimen under this section provides written informed consent by  
3 signing a form prescribed by the commission in the presence of two  
4 adult witnesses. The form must clearly convey:

5 (1) the person's intent; and

6 (2) the person's acknowledgment that the person was  
7 informed about:

8 (A) the consequences of the donation before  
9 providing consent;

10 (B) the use the donee plans for the donated body  
11 or anatomical specimen, which must comply with this chapter and  
12 commission rules; and

13 (C) if applicable, the condition in which the  
14 body or anatomical specimen will be returned to the person.

15 (e) For purposes of Subsection (d), the person authorized to  
16 donate the donor's body or anatomical specimen under this section  
17 must be informed in writing about the information described by  
18 Subsection (d)(2) in a clear manner on a single piece of paper that  
19 is 8-1/2 by 11 inches with 14-point type. The commission, in  
20 consultation with the advisory committee, by rule shall design and  
21 adopt a form that complies with this subsection that donees must  
22 use.

23 (f) A donation under this section may be revoked orally or  
24 in writing by any member of a class with higher priority under  
25 Subsection (a) who is reasonably available. If more than one member  
26 of the class with higher priority is reasonably available, the  
27 donation may be revoked only if a majority of the reasonably

1 available members agree to the revocation or if the reasonably  
2 available members are equally divided as to whether to revoke the  
3 donation.

4 (g) A revocation under Subsection (f) is effective only  
5 before completion of the donation and the donee's acceptance of the  
6 body or anatomical specimen.

7 SECTION 15. The heading to Section 691.030, Health and  
8 Safety Code, is amended to read as follows:

9 Sec. 691.030. RECEIPT AND DISTRIBUTION OF DONATIONS OF  
10 [COMMISSION'S AUTHORITY TO DISTRIBUTE] BODIES AND ANATOMICAL  
11 SPECIMENS.

12 SECTION 16. Section 691.030(a), Health and Safety Code, is  
13 amended to read as follows:

14 (a) A person may donate a body or anatomical specimen to the  
15 following individuals or entities named in a will or other written  
16 instrument ~~[The commission or the commission's representative~~  
17 ~~shall distribute bodies donated to it and may redistribute bodies~~  
18 ~~donated to medical or dental schools or other donees authorized by~~  
19 ~~the commission to]:~~

20 (1) willed body programs of accredited schools and  
21 colleges ~~[of chiropractic, osteopathy, medicine, or dentistry]~~  
22 incorporated in this state;

23 (2) forensic science programs at general academic  
24 teaching institutions or private or independent institutions of  
25 higher education, as defined by Section 61.003, Education Code;

26 (3) search and rescue organizations or recovery teams  
27 that are recognized by the commission~~[, are exempt from federal~~

~~taxation under Section 501(c)(3), Internal Revenue Code of 1986, and use human remains detection canines with the authorization of a local or county law enforcement agency];~~

(4) physicians licensed to practice medicine in this state;

(5) anatomical facilities; and

(6) other donees ~~[persons as provided by this section]~~.

SECTION 17. Section 691.031, Health and Safety Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) The commission in consultation with the advisory committee shall adopt rules to enforce the documentation and labeling requirements of this section for each body or anatomical specimen received or distributed under this chapter.

SECTION 18. Section 691.032, Health and Safety Code, is amended to read as follows:

Sec. 691.032. COSTS OF DISTRIBUTION. A person or institution receiving a body or anatomical specimen distributed under this chapter shall pay the costs associated with the distribution in a manner specified by the donee providing ~~[commission, or as otherwise agreed on, all costs incurred in distributing]~~ the body or anatomical specimen ~~[so that the state, a county, a municipality, or an officer, employee, or representative of the state, a county, or a municipality does not incur any expense]~~.

SECTION 19. Section 691.033, Health and Safety Code, is amended to read as follows:

Sec. 691.033. USE OF BODIES AND ANATOMICAL SPECIMENS. (a)

To further medical or forensic science, a donee ~~[willed body program, non-transplant anatomical donation organization]~~, anatomical facility, or other person designated by the commission may use, dissect, operate on, examine, and experiment on a body or anatomical specimen received or distributed under this chapter.

(b) A donee, anatomical facility, ~~[willed body program, non-transplant anatomical donation organization]~~, or other person shall keep a permanent record of each body or anatomical specimen received ~~[from the commission or the commission's representative]~~.

The record:

(1) must be sufficient to identify the body or anatomical specimen;

(2) must track the body or anatomical specimen from intake to final disposition; and

(3) may be inspected by the commission or the commission's representative.

(c) A law relating to the prevention of mutilation of a body does not apply to the use of a body or anatomical specimen as authorized under this section or a dissection, operation, examination, or experiment performed under this section.

(d) To aid prosecutions under Section [42.08](#), Penal Code, as soon as possible after a person or institution becomes aware of the possible abuse of a corpse, the person or institution shall report the facts, as known, to the commission ~~[shall adopt rules that clearly state the activities that are authorized by the commission in relation to the use or dissection of a body]~~.

1        (e) Subject to Subsection (f), a donee or anatomical  
2 facility may provide for the final disposition of a body  
3 distributed under this chapter.

4        (f) A donee or anatomical facility shall return a donor's  
5 remains after use to any person designated by the donor in  
6 accordance with the donor agreement.

7        SECTION 20. Section 691.034, Health and Safety Code, is  
8 amended to read as follows:

9        Sec. 691.034. LICENSING AND REGULATION ~~[AND REGISTRATION]~~  
10 OF PERSONS AND INSTITUTIONS USING BODIES AND ANATOMICAL SPECIMENS.

11        (a) A donee ~~[willed body program or non-transplant anatomical~~  
12 ~~donation organization]~~ may not operate in this state unless the  
13 donee holds a license issued by ~~[program or organization registers~~  
14 ~~with]~~ the commission in the form and manner prescribed by the  
15 commission.

16        (a-1) ~~[To be eligible for registration under this section, a~~  
17 ~~non-transplant anatomical donation organization must be accredited~~  
18 ~~by the American Association of Tissue Banks under the association's~~  
19 ~~Standards for Non-Transplant Anatomical Donation. The commission~~  
20 ~~may issue conditional registration to a non-transplant anatomical~~  
21 ~~donation organization that is not yet accredited.~~

22        ~~[(a-2)]~~ The commission may license donees ~~[shall inspect~~  
23 ~~and may approve willed body programs]~~ and anatomical facilities for  
24 the receipt and use of bodies and anatomical specimens under this  
25 chapter. The commission shall inspect donees and anatomical  
26 facilities at least once every three years to ensure the donees and  
27 facilities maintain appropriate facilities for receiving, holding,



and disposing of bodies and anatomical specimens in accordance with this chapter. The commission may conduct unannounced inspections of donees and anatomical facilities.

(a-2) ~~[(a-3)]~~ The commission shall establish a process to periodically verify a donee's or anatomical facility's ~~[a non-transplant anatomical donation organization's]~~ compliance with applicable state laws and regulations ~~[the Standards for Non-Transplant Anatomical Donation published by the American Association of Tissue Banks. The process:~~

~~[(1) may authorize the commission to inspect a non-transplant anatomical donation organization; and~~

~~[(2) may not:~~

~~[(A) be duplicative of the accreditation process described by Subsection (a-1); or~~

~~[(B) occur more frequently than once every five years].~~

(b) The commission may investigate or inspect a donee ~~[willed body program, non-transplant anatomical donation organization]~~, anatomical facility, or other person if the commission has reason to believe that the donee ~~[program, organization]~~, facility, or person has improperly used a body or anatomical specimen in violation of this chapter.

~~[(b-1) The commission may inspect a non-transplant anatomical donation organization as part of an investigation described by Subsection (b).]~~

(c) The commission shall ~~[may]~~ suspend or revoke a donee's ~~[willed body program's, non-transplant anatomical donation~~

1 ~~organization's~~], anatomical facility's, or other person's license  
 2 ~~[registration]~~ or other authorization to receive and use or dissect  
 3 bodies or anatomical specimens if the commission determines that  
 4 the donee ~~[program, organization]~~, facility, or person has  
 5 improperly used a body or anatomical specimen in violation of this  
 6 chapter.

7 (d) The commission may refuse to issue a license or refuse  
 8 to grant other authorization to receive and use or dissect bodies or  
 9 anatomical specimens if the commission determines the applicant for  
 10 the license or other authorization improperly used a body or  
 11 anatomical specimen in violation of this chapter or failed to meet  
 12 any eligibility requirements established under a rule adopted under  
 13 this chapter ~~[A willed body program, non-transplant anatomical~~  
 14 ~~donation organization, anatomical facility, or other person is~~  
 15 ~~entitled to a hearing before the commission or a hearing examiner~~  
 16 ~~appointed by the commission before the commission may revoke the~~  
 17 ~~program's, organization's, facility's, or person's registration or~~  
 18 ~~other authorization to receive and use or dissect bodies or~~  
 19 ~~anatomical specimens. The commission shall make all final~~  
 20 ~~decisions to suspend or revoke an authorization]~~.

21 (e) A license or other authorization to receive and use or  
 22 dissect bodies or anatomical specimens is not valid during the  
 23 pendency of an appeal of a decision to refuse to renew, suspend, or  
 24 revoke the license or other authorization under Subsection (c) ~~[A~~  
 25 ~~registered non-transplant anatomical donation organization must~~  
 26 ~~inform the commission within the time prescribed by commission rule~~  
 27 ~~if the organization loses its accreditation with the American~~

~~Association of Tissue Banks]~~.

(f) In consultation with the advisory committee, the commission shall review and approve applications for persons located in other states to receive whole bodies, anatomical specimens, or non-transplant anatomical parts from individuals in this state. The commission may withdraw the commission's approval of a person in another state who applies for approval under this section. A person applying for approval under this section must:

(1) be listed in Section 691.030(a);

(2) provide proof of accreditation by the applicable accrediting body; and

(3) submit to inspection by the commission or by a local designee of the commission at the cost of the person [~~A commission member or holder of any license issued by the commission may not hold an ownership interest in a registered non-transplant anatomical donation organization~~].

~~[(g) The commission shall adopt rules and procedures necessary to administer this section.]~~

SECTION 21. Section 691.035(b), Health and Safety Code, is amended to read as follows:

(b) An offense under this section is a Class B misdemeanor [~~punishable by a fine of not less than \$100 or more than \$500~~].

SECTION 22. Subchapter B, Chapter 691, Health and Safety Code, is amended by adding Sections 691.036 and 691.037 to read as follows:

Sec. 691.036. LIMITATION ON LIABILITY. (a) A person who acts in good faith in accordance with this chapter is not liable for

1 civil damages or subject to criminal prosecution for the person's  
2 actions if the prerequisites for a donation or transfer of a body or  
3 anatomical specimen are met under the laws applicable at the time  
4 and place the donation or transfer is made.

5 (b) A person who acts in accordance with this chapter or  
6 with the applicable laws for donating or transferring bodies or  
7 anatomical specimens to this state from another state, or attempts  
8 in good faith to act in accordance with this chapter and the  
9 applicable laws, is not liable for those actions in a civil action,  
10 criminal prosecution, or administrative proceeding.

11 (c) A person who acts in good faith in accordance with this  
12 chapter is not liable as a result of those actions except in the  
13 case of an act or omission by the person that is intentional,  
14 wilfully or wantonly negligent, or done with conscious indifference  
15 or reckless disregard. For purposes of Section 691.0281, "good  
16 faith" in determining the appropriate person authorized to make a  
17 donation of a body or anatomical specimen means making a reasonable  
18 effort to locate and contact the member or members of the highest  
19 priority class who are reasonably available at or near the time of  
20 death.

21 (d) A person making a donation of a body or anatomical  
22 specimen, including the person's estate, is not liable for any  
23 injury or damage that results from the making or use of the  
24 donation.

25 (e) In determining whether a donation has been made,  
26 amended, or revoked under this chapter, a person may rely on  
27 representations of an individual listed in Section 691.0281(a)(2),

1 (3), (4), (5), (6), (7), or (8) relating to the individual's  
2 relationship to the donor unless the person knows the  
3 representation is untrue.

4 Sec. 691.037. ANATOMICAL FACILITY STANDARDS. The  
5 commission shall adopt minimum standards for anatomical facilities  
6 licensed under this chapter. The standards must require a facility  
7 to:

8 (1) meet the applicable building, fire safety, and  
9 health standards imposed by this state, and if located in a  
10 municipality, imposed by the municipality for similar facilities;

11 (2) be in a fixed location;

12 (3) include a preparation room containing the  
13 equipment and supplies required by commission rule to ensure the  
14 provision of adequate services;

15 (4) be designed to ensure security and respectful  
16 treatment of bodies and anatomical specimens and to restrict public  
17 view of and access to bodies and anatomical specimens;

18 (5) include other facilities as necessary to comply  
19 with the applicable sanitary codes of:

20 (A) this state; and

21 (B) the municipality in which the facility is  
22 located, if the facility is located in a municipality; and

23 (6) include any other construction, health, and safety  
24 provisions the commission determines necessary to protect the  
25 public and donors.

26 SECTION 23. Section [692A.002](#), Health and Safety Code, is  
27 amended by adding Subdivision (3-a) to read as follows:

1           (3-a) "Commission" means the Texas Funeral Service  
2 Commission.

3           SECTION 24. Chapter 692A, Health and Safety Code, is  
4 amended by adding Section 692A.0035 to read as follows:

5           Sec. 692A.0035. LICENSE REQUIRED FOR WILLED BODY PROGRAM.  
6 A person may not receive an anatomical gift as part of a willed body  
7 program, as defined by Section 691.001, in this state unless the  
8 program is licensed by the commission.

9           SECTION 25. Section 692A.009(a), Health and Safety Code, is  
10 amended to read as follows:

11           (a) Subject to Subsections (b) and (c) and unless barred by  
12 Section 692A.007 or Section 692A.008, an anatomical gift of a  
13 decedent's body or part for the purpose of transplantation or[7]  
14 therapy[~~, research, or education~~] may be made by any member of the  
15 following classes of persons who is reasonably available, in the  
16 order of priority listed:

17           (1) an agent of the decedent at the time of death who  
18 could have made an anatomical gift under Section 692A.004(2)  
19 immediately before the decedent's death;

20           (2) the spouse of the decedent;

21           (3) adult children of the decedent;

22           (4) parents of the decedent;

23           (5) adult siblings of the decedent;

24           (6) adult grandchildren of the decedent;

25           (7) grandparents of the decedent;

26           (8) an adult who exhibited special care and concern  
27 for the decedent;

1           (9) the persons who were acting as the guardians of the  
2 person of the decedent at the time of death;

3           (10) the hospital administrator; and

4           (11) any other person having the authority to dispose  
5 of the decedent's body.

6           SECTION 26. Section 692A.011(a), Health and Safety Code, is  
7 amended to read as follows:

8           (a) An anatomical gift may be made to the following persons  
9 named in the document of gift:

10           (1) an organ procurement organization to be used for  
11 transplantation, therapy, research, or education;

12           (2) a hospital to be used for research;

13           (3) subject to Subsection (d), an individual  
14 designated by the person making the anatomical gift if the  
15 individual is the recipient of the part;

16           (4) an eye bank or tissue bank, except that use of a  
17 gift of a whole body must be to a person who holds a license issued  
18 by the commission [~~coordinated through the Texas Funeral Service~~  
19 ~~Commission~~];

20           (5) a forensic science program licensed by the  
21 commission at:

22                   (A) a general academic teaching institution as  
23 defined by Section 61.003, Education Code; or

24                   (B) a private or independent institution of  
25 higher education as defined by Section 61.003, Education Code;

26           (6) a search and rescue organization or recovery team  
27 that is recognized and authorized by the commission [~~Texas Funeral~~

1 ~~Service Commission~~], is exempt from federal taxation under Section  
2 501(c)(3), Internal Revenue Code of 1986, and uses human remains  
3 detection canines with the authorization of a local or county law  
4 enforcement agency; or

5 (7) a licensed willed body program ~~[the Texas Funeral~~  
6 ~~Service Commission; or~~

7 ~~[(8) a non-transplant anatomical donation~~  
8 ~~organization]~~.

9 SECTION 27. Section 711.002, Health and Safety Code, is  
10 amended by amending Subsection (k) and adding Subsection (k-1) to  
11 read as follows:

12 (k) Any dispute among any of the persons listed in  
13 Subsection (a) concerning their right to control the disposition,  
14 including cremation, of a decedent's remains shall be resolved by a  
15 court with jurisdiction over probate proceedings for the decedent,  
16 regardless of whether a probate proceeding has been initiated.

17 (k-1) A cemetery organization or funeral establishment that  
18 is aware of a dispute described by Subsection (k) is ~~[shall]~~ not  
19 ~~[be]~~ liable for refusing to accept the decedent's remains, or to  
20 inter or otherwise dispose of the decedent's remains, until it  
21 receives a court order or other suitable confirmation that the  
22 dispute has been resolved or settled. A cemetery organization or  
23 funeral establishment that is unaware of a dispute described by  
24 Subsection (k) is not liable for disposing of the decedent's  
25 remains if the organization or establishment:

26 (1) reasonably relies in good faith on the  
27 representations of a person who states in writing that the person is



1 entitled to control the disposition of the decedent's remains;

2 (2) disposes of the decedent's remains in accordance  
3 with the written directions of the person described by Subdivision  
4 (1); and

5 (3) is unaware, after inquiring of the person  
6 described by Subdivision (1), of another person who is listed in a  
7 priority before the person described by Subdivision (1).

8 SECTION 28. Section 651.005, Occupations Code, is amended  
9 to read as follows:

10 Sec. 651.005. REGULATION OF WILLED BODY PROGRAMS[~~7~~  
11 ~~NON-TRANSPLANT ANATOMICAL DONATION ORGANIZATIONS,~~] AND ANATOMICAL  
12 FACILITIES. The commission shall regulate willed body programs[~~7~~  
13 ~~non-transplant anatomical donation organizations,~~] and anatomical  
14 facilities as provided by Chapter 691, Health and Safety Code, and  
15 in accordance with the powers and duties granted by this chapter to  
16 the extent necessary to regulate the programs[~~7 organizations,~~] and  
17 facilities under that chapter.

18 SECTION 29. Section 651.202, Occupations Code, is amended  
19 by adding Subsection (g) to read as follows:

20 (g) Notwithstanding any other provision of this section, a  
21 commission employee may dismiss a complaint without further  
22 investigation under Subsection (c) if:

23 (1) the subject matter of the complaint is a funeral  
24 service provided under a contract with a license holder and the  
25 complainant is not:

26 (A) a party to the contract; or

27 (B) the person entitled under Section

1 711.002(a), Health and Safety Code, to control the disposition of  
2 the remains of the decedent to whom the service relates; or

3 (2) regardless of the subject matter of the complaint,  
4 the complaint is not accompanied by substantial evidence of a  
5 violation of a statute administered by the commission.

6 SECTION 30. Subchapter I, Chapter 651, Occupations Code, is  
7 amended by adding Section 651.411 to read as follows:

8 Sec. 651.411. SCOPE OF SERVICE INVOLVING CERTAIN ANATOMICAL  
9 GIFTS. The commission by rule may prescribe the minimum  
10 requirements for a licensed funeral establishment to provide a  
11 service in relation to an anatomical gift made under Chapter 691 or  
12 692A, Health and Safety Code, that is not intended for  
13 transplantation, including requirements for the storage or  
14 transportation of the anatomical gift.

15 SECTION 31. Section 411.12507(a), Government Code, is  
16 amended to read as follows:

17 (a) The Texas Funeral Service Commission is entitled to  
18 obtain criminal history record information as provided by  
19 Subsection (b) that relates to:

20 (1) a person who is:

21 (A) an applicant for a license or certificate  
22 under Sections 651.259 and 651.302, Occupations Code; or

23 (B) the holder of a license or certificate under  
24 Chapter 651, Occupations Code;

25 (2) an applicant for a license or a license holder  
26 under Chapter 691 or 692A, Health and Safety Code, or Chapter 651,  
27 Occupations Code;

1           (3) an applicant for employment at or current employee  
2 of the Texas Funeral Service Commission; or

3           (4) a person authorized to access vital records or the  
4 vital records electronic registration system under Chapter 191,  
5 Health and Safety Code, or a funeral director.

6           SECTION 32. The following provisions of the Health and  
7 Safety Code are repealed:

8           (1) Sections 691.001(3) and (5);

9           (2) Sections 691.025(c) and (d);

10          (3) Section 691.029;

11          (4) Sections 691.030(b), (c), (d), and (e); and

12          (5) Section 692A.011(b).

13          SECTION 33. The changes in law made by this Act to Section  
14 691.028, Health and Safety Code, as amended by this Act, apply to  
15 the donation of a body or anatomical specimen by will or other  
16 written instrument executed after the effective date of this Act.  
17 The donation of a body or anatomical specimen by will or other  
18 written instrument that is executed before the effective date of  
19 this Act is governed by the law as it existed immediately before  
20 that date, and that law is continued in effect for that purpose.

21          SECTION 34. (a) As soon as practicable after the effective  
22 date of this Act, the Texas Funeral Service Commission shall adopt  
23 rules necessary to implement Chapters 691 and 692A, Health and  
24 Safety Code, and Chapter 651, Occupations Code, as amended by this  
25 Act.

26          (b) Not later than March 1, 2026, the Texas Funeral Service  
27 Commission shall adopt rules to implement Section 691.004, Health

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1 and Safety Code, as added by this Act.

2 SECTION 35. This Act takes effect September 1, 2025.