

1-1 By: Parker, Kolthorst, Perry S.B. No. 2721
1-2 (In the Senate - Filed March 13, 2025; April 3, 2025, read
1-3 first time and referred to Committee on Business & Commerce; April
1-4 7, 2025 rereferred to Committee on Health & Human Service;
1-5 April 29, 2025, reported adversely, with favorable Committee
1-6 Substitute by the following vote: Yeas 8, Nays 0; April 29, 2025,
1-7 sent to printer.)

1-8 COMMITTEE VOTE

1-9		Yea	Nay	Absent	PNV
1-10	Kolthorst	X			
1-11	Perry	X			
1-12	Blanco	X			
1-13	Cook	X			
1-14	Hall	X			
1-15	Hancock	X			
1-16	Hughes	X			
1-17	Miles	X			
1-18	Sparks			X	

1-19 COMMITTEE SUBSTITUTE FOR S.B. No. 2721 By: Perry

1-20 A BILL TO BE ENTITLED
1-21 AN ACT

1-22 relating to the licensing and regulation of persons who provide
1-23 services in relation to the deceased; increasing a criminal
1-24 penalty; creating a criminal offense; authorizing an
1-25 administrative penalty; expanding the application of a fee.

1-26 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-27 SECTION 1. Section 691.001, Health and Safety Code, is
1-28 amended by amending Subdivisions (1-a), (2), and (6) and adding
1-29 Subdivisions (1-b) and (4-a) to read as follows:

1-30 (1-a) "Anatomical facility" means a facility in this
1-31 state inspected and approved by the commission under Section
1-32 691.034 that does not operate as a willed body program ~~or a~~
1-33 ~~non-transplant anatomical donation organization~~.

1-34 (1-b) "Anatomical specimen" means a part of a human
1-35 corpse used for an educational or research purpose.

1-36 (2) "Body" means the intact corporeal remains of a
1-37 human [corpse].

1-38 (4-a) "Donee" means a willed body program, forensic
1-39 science program, or search and rescue organization or recovery team
1-40 that the commission authorizes to receive bodies or anatomical
1-41 specimens donated for research or education.

1-42 (6) "Willed body program" means a program operated at
1-43 an institution of higher education in this state that holds a
1-44 license issued by the commission under this chapter and allows a
1-45 living individual to donate an [the] individual's body or
1-46 anatomical specimen for educational or research purposes.

1-47 SECTION 2. Sections 691.002(a) and (b), Health and Safety
1-48 Code, are amended to read as follows:

1-49 (a) The State Anatomical Advisory Committee is established
1-50 to advise and provide expertise to the commission on matters
1-51 related to the regulation and operation of donees ~~[willed body~~
1-52 ~~programs, non-transplant anatomical donation organizations,~~ and
1-53 anatomical facilities in this state.

1-54 (b) The advisory committee is composed of seven members
1-55 appointed by the commission ~~[as follows:~~

1-56 ~~[(1) two members who represent institutions of higher~~
1-57 ~~education that operate willed body programs,~~

1-58 ~~[(2) two members who represent non-transplant~~
1-59 ~~anatomical donation organizations,~~

1-60 ~~[(3) two members who represent anatomical facilities,~~

2-1 ~~and~~

2-2 ~~[(4) one public member].~~

2-3 SECTION 3. Subchapter A, Chapter 691, Health and Safety
2-4 Code, is amended by adding Sections 691.003 and 691.004 to read as
2-5 follows:

2-6 Sec. 691.003. ENFORCEMENT. Each donee is subject to
2-7 regulation, including investigations and enforcement, under this
2-8 chapter.

2-9 Sec. 691.004. PROHIBITED ACTIVITIES; CRIMINAL OFFENSE;
2-10 ADMINISTRATIVE PENALTY. (a) A person, other than a donee licensed
2-11 by the commission, may not solicit, retrieve, preserve, transport,
2-12 distribute, acquire, process, store, or arrange storage of a whole
2-13 human body, anatomical specimen, or other non-transplant
2-14 anatomical part for education, research, or another activity the
2-15 commission has not authorized.

2-16 (b) A person commits an offense if the person knowingly
2-17 violates Subsection (a). An offense under this section is a state
2-18 jail felony.

2-19 (c) The commission by rule may impose an administrative
2-20 penalty for a violation of this section. The amount of the
2-21 administrative penalty may not exceed \$500 for each violation.
2-22 Each day a violation continues or occurs is a separate violation for
2-23 purposes of imposing a penalty.

2-24 SECTION 4. Sections 691.010(b) and (c), Health and Safety
2-25 Code, are amended to read as follows:

2-26 (b) The commission by rule shall establish methods by which
2-27 service recipients can be notified of the name, mailing address,
2-28 and telephone number of the commission for the purpose of directing
2-29 complaints to the commission. The commission may provide for that
2-30 notification by including the information on each written contract
2-31 relating to bodies willed or donated to an entity licensed or
2-32 regulated by the commission or otherwise authorized by the
2-33 commission to receive bodies or anatomical specimens.

2-34 (c) The commission shall keep an information file about each
2-35 complaint filed with the commission relating to its functions under
2-36 this chapter. If a written complaint is filed with the commission
2-37 relating to a person or an entity licensed or regulated by the
2-38 commission under this chapter, the commission shall periodically
2-39 notify the parties to the complaint of the status of the complaint
2-40 until final disposition unless notice would jeopardize an
2-41 undercover investigation.

2-42 SECTION 5. Section 691.011, Health and Safety Code, is
2-43 amended to read as follows:

2-44 Sec. 691.011. RECORDS. (a) The commission shall issue a
2-45 unique identification number and maintain ~~[keep]~~ identification
2-46 records of each:

2-47 (1) body or anatomical specimen donated to a donee;
2-48 ~~[the commission]~~ and

2-49 (2) ~~[of each]~~ body or anatomical specimen distributed
2-50 by a donee ~~[the commission]~~.

2-51 (b) The commission by rule shall develop a form to document
2-52 the donation or transfer of a body or anatomical specimen. The form
2-53 must include the information required under Section 691.031. If a
2-54 body or anatomical specimen is transferred:

2-55 (1) the identification number must be preceded by the
2-56 letters "TR"; and

2-57 (2) the identification number of the body or
2-58 anatomical specimen on the form must match the identification
2-59 number affixed to the body or anatomical specimen to complete the
2-60 donation or transfer.

2-61 (c) On donation of a body or anatomical specimen, the donee
2-62 shall complete and submit the form described by Subsection (b) and
2-63 retain a copy of the form for the donee's records.

2-64 (d) On transfer of a body or anatomical specimen:

2-65 (1) the donee shall complete and submit three copies
2-66 of the form described by Subsection (b) to the receiving
2-67 institution; and

2-68 (2) the receiving institution shall:

2-69 (A) sign one copy submitted under Subdivision

(1), acknowledging the institution's receipt of the body or anatomical specimen, and return the signed copy to the donee for the donee's records; and

(B) retain one copy submitted under Subdivision (1) for the institution's records.

(e) If a body or anatomical specimen is subsequently returned by a receiving institution to the donee, the receiving institution shall sign one copy submitted under Subsection (d)(1), indicating the return of the body or anatomical specimen to the donee, and return the copy to the donee for the donee's records.

(f) A donee or receiving institution required to retain a form for the entity's records under this section shall permanently retain the form.

(g) Not later than August 1 of each year, each donee or receiving institution shall complete, sign, and file with the commission a cadaver procurement and use report, in the manner the commission prescribes, documenting the donee's or institution's cadaver procurement and use activities during the preceding year.

(h) A forensic science program that receives a body or anatomical specimen under this chapter shall submit a quarterly report to the commission that lists:

(1) the number of bodies or anatomical specimens the program received during the preceding quarter; and

(2) the manner in which the program used the bodies or anatomical specimens for education or research.

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

Sec. 691.012. FEES. ~~[(a)]~~ The commission 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 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.

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 RESEARCH PROJECTS. (a) Notwithstanding any other provision of this chapter except Subsections (b) and (c), a person is prohibited from donating a body not claimed for burial or a body required to be buried at public expense to another person for any reason.

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

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

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

(3) formally approved by a recognized institutional review board or an equivalent ethical oversight body.

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

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

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

Sec. 691.026. BODY OF TRAVELER. If an unclaimed body is the body of a traveler who died suddenly, the commissioners court of the county in which the traveler died [commission] shall [direct the institution or other person receiving the body to] retain the body until the earlier of [for] six months or the date the body is identified and claimed [for purposes of identification].

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

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

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

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

(b) A donation is not [To be] effective under Subsection (a) unless [the donor provides written [must provide] informed consent by signing a form prescribed by the commission in the

presence of two adult witnesses ~~[the will or other written instrument and it must be witnessed by two adults]~~. The form ~~[donor is not required to use a particular form or particular words in making the donation, but the will or other instrument]~~ must clearly convey:

(1) the donor's intent; and
(2) the donor's acknowledgment that the donor was informed about:

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

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

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

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

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

SECTION 14. Subchapter B, Chapter 691, Health and Safety Code, is amended by adding Sections 691.0281 and 691.0282 to read as follows:

Sec. 691.0281. DONATION OF BODY OR ANATOMICAL SPECIMEN AFTER DONOR'S DEATH. (a) Any member of the following classes of persons who is reasonably available, in the order of priority listed, may donate the donor's body or anatomical specimen to a donee specified in Section 691.030 for a purpose authorized by this chapter, unless the donor or the donor's agent made or refused to make a donation under Section 691.028:

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

(2) the donor's spouse;
(3) adult children of the donor;
(4) parents of the donor;
(5) adult siblings of the donor;
(6) adult grandchildren of the donor;
(7) grandparents of the donor; and
(8) the persons who were acting as legal guardians of the donor at the time of the donor's death.

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

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

(d) A donation is not effective under Subsection (a) unless the person authorized to donate the donor's body or anatomical specimen under this section provides written informed consent by signing a form prescribed by the commission in the presence of two adult witnesses. The form must clearly convey:

(1) the person's intent; and
(2) the person's acknowledgment that the person was informed about:

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

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

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

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

(f) A donation under this section may be revoked orally or in writing by any member of a class with higher priority under Subsection (a) who is reasonably available. If more than one member of the class with higher priority is reasonably available, the donation may be revoked only if a majority of the reasonably available members agree to the revocation or if the reasonably available members are equally divided as to whether to revoke the donation.

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

Sec. 691.0282. DONATION OF BODY OR ANATOMICAL SPECIMEN FROM OUT OF STATE. (a) A donee may accept a donation from an out-of-state donor or a donor who died outside of this state.

(b) A donee shall notify the commission of any donation described by Subsection (a).

(c) A donation described by Subsection (a) is governed by this chapter after the body or anatomical specimen enters this state.

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

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

SECTION 16. Sections 691.030(a) and (c), Health and Safety Code, are amended to read as follows:

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

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

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

(3) search and rescue organizations or recovery teams 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]~~.

(c) Unless ~~[If]~~ the commission determines there is an insufficient number of bodies to meet the needs of recipients prioritized in Subsection (a) ~~[has remaining bodies]~~, the commission ~~[or the commission's representative]~~ shall authorize the distribution or redistribution of ~~[distribute or redistribute those]~~ bodies to an authorized recipient in another state in accordance with Subsection (d) ~~[to the schools and colleges proportionately and equitably according to the number of students in each school or college receiving instruction or demonstration in~~

~~normal or morbid anatomy and operative surgery]. The dean of each school or college shall certify to the commission the [that] number of bodies the school or college needs [to the commission] when required by the commission.~~

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

(a-1) The commission 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].~~

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

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

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

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

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

(a-1) ~~[To be eligible for registration under this section, a non-transplant anatomical donation organization must be accredited by the American Association of Tissue Banks under the association's Standards for Non-Transplant Anatomical Donation. The commission~~

~~may issue conditional registration to a non-transplant anatomical donation organization that is not yet accredited.~~

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

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

~~(d) A donee [willed body program, non-transplant anatomical donation organization], anatomical facility, or other person is entitled to a hearing before the commission or a hearing examiner appointed by the commission before the commission may revoke the donee's [program's, organization's], facility's, or person's license [registration] or other authorization to receive and use or dissect bodies or anatomical specimens. The commission shall make all final decisions to suspend or revoke a license or an authorization.~~

~~(e) [A registered non-transplant anatomical donation organization must inform the commission within the time prescribed by commission rule if the organization loses its accreditation with the American Association of Tissue Banks.~~

~~[(f)] A commission member or holder of any license issued by the commission may not hold an ownership interest in a donee licensed by the commission [registered non-transplant anatomical donation organization].~~

~~(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, on recommendation of the advisory committee, 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) or be an anatomical facility;~~

~~(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.

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

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

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

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

(e) In determining whether a donation has been made, amended, or revoked under this chapter, a person may rely on representations of an individual listed in Section 691.0281(a)(2), (3), (4), (5), (6), (7), or (8) relating to the individual's relationship to the donor unless the person knows the representation is untrue.

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

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

(2) be in a fixed location;

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

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

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

(A) this state; and

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

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

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

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

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

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

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

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

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

(2) the spouse of the decedent;

(3) adult children of the decedent;

(4) parents of the decedent;

(5) adult siblings of the decedent;

(6) adult grandchildren of the decedent;

(7) grandparents of the decedent;

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

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

(10) the hospital administrator; and

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

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

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

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

(2) a hospital to be used for research;

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

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

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

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

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

(6) a search and rescue organization or recovery team that is recognized and authorized by the commission ~~[Texas Funeral Service Commission]~~, is exempt from federal taxation under Section 501(c)(3), Internal Revenue Code of 1986, and uses human remains detection canines with the authorization of a local or county law enforcement agency; or

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

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

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

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

(k-1) A cemetery organization or funeral establishment that

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

(1) reasonably relies in good faith on the representations of a person who states in writing that the person is entitled to control the disposition of the decedent's remains;

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

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

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

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

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

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

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

(A) a party to the contract; or
(B) the person entitled under Section 711.002(a), Health and Safety Code, to control the disposition of the remains of the decedent to whom the service relates; or

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

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

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

SECTION 31. The following provisions of the Health and Safety Code are repealed:

- (1) Sections 691.001(3) and (5);
- (2) Sections 691.025(c) and (d);
- (3) Section 691.029;
- (4) Sections 691.030(b) and (e); and
- (5) Section 692A.011(b).

SECTION 32. The changes in law made by this Act to Section 691.028, Health and Safety Code, as amended by this Act, apply to the donation of a body or anatomical specimen by will or other written instrument executed after the effective date of this Act. The donation of a body or anatomical specimen by will or other written instrument that is executed before the effective date of this Act is governed by the law as it existed immediately before that date, and that law is continued in effect for that purpose.

SECTION 33. (a) As soon as practicable after the effective date of this Act, the Texas Funeral Service Commission shall adopt rules necessary to implement Chapters 691 and 692A, Health and

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12-1 Safety Code, and Chapter 651, Occupations Code, as amended by this

12-2 Act.

12-3 (b) Not later than March 1, 2026, the Texas Funeral Service

12-4 Commission shall adopt rules to implement Section 691.004, Health

12-5 and Safety Code, as added by this Act.

12-6 SECTION 34. This Act takes effect September 1, 2025.

12-7 * * * * *