

BILL ANALYSIS

Senate Research Center
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S.B. 1225
By: Nelson
Health & Human Services
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DIGEST AND PURPOSE

Currently, only the medical examiner is authorized to permit the removal of a body part or tissue from a decedent who died under circumstances requiring an inquest. As proposed, S.B. 1225 authorizes the justice of the peace to permit the same action. This bill also requires an explanation in writing to certain persons, for the denial of organs or tissue, as is currently the procedure for medical examiners.

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 Sections 693.002, 693.003, and 693.005, Health and Safety Code, as follows:

Sec. 693.002. REMOVAL OF BODY PART OR TISSUE FROM DECEDENT WHO DIED UNDER CIRCUMSTANCES REQUIRING AN INQUEST. Adds the justice of the peace to the list of individuals authorized to permit the removal of organs from a decedent who died under certain circumstances. Requires the medical examiner or justice of the peace to provide the explanation to any person listed in Section 693.004 who is actually known to the medical examiner or justice of the peace. Deletes existing text related to requiring payment to be applied to the cost of providing coverage beyond the regular business hours of the medical examiner's office. Requires the medical examiner or justice of the peace, if the medical examiner or justice of the peace denies removal of the tissue, to explain in writing the reasons for the denial. Requires the medical examiner or justice of the peace to provide the explanation to certain persons. Makes conforming and nonsubstantive changes.

Sec. 693.003. CONSENT REQUIRED IN CERTAIN CIRCUMSTANCES. Makes conforming changes.

Sec. 693.005. IMMUNITY FROM DAMAGES IN CIVIL ACTION. Makes conforming changes.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: July 1, 2003, or September 1, 2003.