

## **BILL ANALYSIS**

Senate Research Center  
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C.S.S.B. 1225  
By: Nelson  
Health & Human Services  
4/8/2003  
Committee Report (Substituted)

### **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. C.S.S.B. 1225 authorizes a justice of the peace, county judge, or physician designated by the justice of the peace or county judge 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 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. (a) Adds the justice of the peace, county judge, or physician designated by the justice of the peace or county judge to the list of individuals authorized to permit the removal of organs from a decedent who died under certain circumstances. Requires the medical examiner to provide the explanation to any person listed in Section 693.004 who consented to the removal. Requires certain individuals be present during the removal of the organs and authorizes those individuals to request the biopsy or deny the removal of the anatomical gift, if the autopsy is not being performed by a medical examiner and one or more organs is authorized to be held. Requires the payment to be applied to the additional costs incurred by the office of certain individuals in performing certain duties. Requires the health care professional removing organs from certain decedents to take a certain action at the request of certain individuals. Makes conforming and nonsubstantive changes.

(b) Requires the medical examiner, if the medical examiner denies removal of the tissue, to explain in writing the reasons for the denial. Requires the medical examiner to provide the explanation to certain persons.

(c) Authorizes certain individuals to permit the removal of tissue in the same manner as a medical examiner under Subsection (b), if the autopsy is not being performed by a medical examiner. Requires certain individuals to provide the written explanation required by Subsections (b)(1) and (2), if removal of the anatomical gift is denied.

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.

### **SUMMARY OF COMMITTEE CHANGES**

Differs from original in SECTION 1 by not amending Section 693.003, Health and Safety Code. Adds the county judge, and a physician designated by the justice of the peace or county judge to the list of individuals authorized to permit the removal of organs from a decedent who died under certain circumstances. Adds the county judge and a designated physician to the list of individuals allowed to determine if the removal of the organs will interfere with the subsequent course of an investigation. Deletes the justice of the peace as an official able to consider withholding organs for any reason and taking subsequent actions. Requires the medical examiner to provide the explanation to any person listed in Section 693.004 who consented to the removal, rather than who is actually known to the medical examiner or justice of the peace. Requires certain individuals be present during the removal of the organs and authorizes those individuals to request the biopsy or deny the removal of the anatomical gift, if the autopsy is not being performed by a medical examiner and one or more organs is authorized to be held. Requires the justice of the peace, county judge, or designated physician to be present at an autopsy, if the autopsy is not performed by the medical examiner, during the procedure to remove the organs. Requires the payment to be applied to the additional costs incurred by the office of the medical examiner, justice of the peace, or county judge, rather than the examiner's office, in performing certain duties. Adds county judge to the list of individuals with whom the health care professional removing organs from certain decedents may file a certain report. Adds new Section 693.002(c).