

By: Coleman

H.B. No. 290

A BILL TO BE ENTITLED

AN ACT

relating to removal of corneal tissue from a decedent.

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

SECTION 1. Sections 693.012 and 693.013, Health and Safety Code, are amended to read as follows:

Sec. 693.012. REMOVAL OF CORNEAL TISSUE PERMITTED UNDER CERTAIN CIRCUMSTANCES. On a request from an authorized official of an eye bank for corneal tissue, a justice of the peace or medical examiner may permit the removal of corneal tissue if:

(1) the decedent from whom the tissue is to be removed died under circumstances requiring an inquest by the justice of the peace or medical examiner;

(2) the consent of [~~no objection by~~] a person listed in Section 693.013 is obtained [~~known by the justice of the peace or medical examiner~~]; and

(3) the removal of the corneal tissue will not interfere with the subsequent course of an investigation or autopsy or alter the decedent's postmortem facial appearance.

Sec. 693.013. PERSONS WHO MAY CONSENT [~~OBJECT~~] TO REMOVAL. The following persons may object or consent to the removal of corneal tissue:

(1) the decedent's spouse;

(2) the decedent's adult children, if there is no spouse;

1 (3) the decedent's parents, if there is no spouse or
2 adult child; or

3 (4) the decedent's brothers or sisters, if there is no
4 spouse, adult child, or parent.

5 SECTION 2. Section 693.014(a), Health and Safety Code, is
6 amended to read as follows:

7 (a) Except as provided by Section 693.015, in [In] a civil
8 action brought by a person listed in Section 693.013 [~~who did not~~
9 ~~object before the removal of corneal tissue~~], a medical examiner,
10 justice of the peace, or eye bank official is not liable for damages
11 on a theory of civil recovery based on a contention that the
12 person's consent was required before the corneal tissue could be
13 removed.

14 SECTION 3. Subchapter B, Chapter 693, Health and Safety
15 Code, is amended by adding Section 693.015 to read as follows:

16 Sec. 693.015. LEGAL DUTY OF EYE BANK. Notwithstanding
17 Section 693.014 or any other law, an eye bank and an eye bank
18 official that accepts corneal tissue removed under this chapter
19 knowing that consent was not obtained as required by Section
20 693.012 is liable to a person listed by Section 693.013 for damages
21 arising from the removal, including damages for mental anguish.

22 SECTION 4. This Act takes effect September 1, 2003, and
23 applies only to removal of corneal tissue in accordance with
24 Chapter 693, Health and Safety Code, as amended by this Act, on or
25 after that date. Removal of corneal tissue before September 1,
26 2003, is governed by the law in effect immediately before that date,
27 and that law is continued in effect for this purpose.