

By: Janek

S.B. No. 1419

A BILL TO BE ENTITLED

AN ACT

relating to anatomical specimens and donees of anatomical gifts.

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

SECTION 1. Section 691.001, Health and Safety Code, is amended to read as follows:

Sec. 691.001. DEFINITIONS. In this chapter:

(1) "Board" means the Anatomical Board of the State of Texas.

(2) "Body" means a human corpse.

(3) "Anatomical specimen" means a part of a human corpse.

SECTION 2. Subsection (c), Section 691.007, Health and Safety Code, is amended to read as follows:

(c) The board shall keep identification records of each body donated to the board and of each body or anatomical specimen distributed by the board.

SECTION 3. Subsection (a), Section 691.008, Health and Safety Code, is amended to read as follows:

(a) The board may set and collect reasonable and necessary fees for receiving and distributing bodies and anatomical specimens.

SECTION 4. The heading to Subchapter B, Chapter 691, Health and Safety Code, is amended to read as follows:

1 SUBCHAPTER B. DONATION AND DISTRIBUTION OF BODIES AND
2 ANATOMICAL SPECIMENS

3 SECTION 5. Section 691.022, Health and Safety Code, is
4 amended to read as follows:

5 Sec. 691.022. GENERAL DUTIES. (a) The board shall
6 distribute bodies and anatomical specimens to institutions [~~and~~
7 ~~persons~~] authorized to receive them [~~bodies~~].

8 (b) The board shall adopt rules to ensure that each body and
9 anatomical specimen in the custody of the board or an institution
10 represented on the board is treated with respect.

11 SECTION 6. Subsection (a), Section 691.028, Health and
12 Safety Code, is amended to read as follows:

13 (a) An adult living in this state who is of sound mind may
14 donate his body by will or other written instrument to the board, a
15 medical or dental school, or another [~~other~~] donee authorized by
16 the board, to be used for the advancement of medical science.

17 SECTION 7. Section 691.030, Health and Safety Code, is
18 amended to read as follows:

19 Sec. 691.030. BOARD'S AUTHORITY TO DISTRIBUTE BODIES AND
20 ANATOMICAL SPECIMENS. (a) The board or the board's representative
21 shall distribute bodies donated to it and may redistribute bodies
22 donated to medical or dental schools or other donees authorized by
23 the board [~~received under this chapter~~] to schools and colleges of
24 chiropractic, osteopathy, medicine, or dentistry incorporated in
25 this state, to physicians, and to other persons as provided by this
26 section.

27 (b) In making the distribution, the board shall give

1 priority to the schools and colleges that need bodies for lectures
2 and demonstrations.

3 (c) If the board has remaining bodies, the board or the
4 board's representative shall distribute or redistribute those
5 bodies to the schools and colleges proportionately and equitably
6 according to the number of students in each school or college
7 receiving instruction or demonstration in normal or morbid anatomy
8 and operative surgery. The dean of each school or college shall
9 certify that number to the board when required by the board.

10 ~~(d) [The board or the board's representative may, instead of~~
11 ~~receiving and distributing bodies itself, authorize a physician to~~
12 ~~receive a body directly. The board or the board's representative~~
13 ~~shall determine the number of bodies a physician may receive.~~

14 ~~[(c) The board or the board's representative may distribute~~
15 ~~to the State Board of Morticians as many bodies as necessary for use~~
16 ~~in conducting examinations. In addition, the board or the board's~~
17 ~~representative may distribute to a school of mortuary science~~
18 ~~recognized and approved by the State Board of Morticians as many~~
19 ~~bodies as the board considers necessary for use in instruction.~~

20 ~~[(f)]~~ The board may transport a body or anatomical specimen
21 to an authorized recipient in another state if the board determines
22 that the supply of bodies or anatomical specimens in this state
23 exceeds the need for bodies or anatomical specimens ~~[there is a~~
24 ~~shortage of bodies in that state, but only if the other state agrees~~
25 ~~to ship surplus bodies to this state when the board determines that~~
26 ~~there is a shortage]~~ in this state and if:

27 (1) the deceased donated his body in compliance with

1 Section 691.028 and at the time of the donation authorized the board
2 to transport the body outside this state; or

3 (2) the body was donated in compliance with Chapter
4 692 (Texas Anatomical Gift Act) and the person authorized to make
5 the donation under Section 692.004 authorized the board to
6 transport the body outside this state.

7 SECTION 8. Section 691.031, Health and Safety Code, is
8 amended to read as follows:

9 Sec. 691.031. TRANSPORTATION OF BODIES; RECORDS. (a) The
10 board shall adopt rules to ensure that each body or anatomical
11 specimen received or distributed by the board is properly
12 transported.

13 (b) The board may employ a public carrier to transport
14 bodies or anatomical specimens received or distributed by the
15 board.

16 (c) Each body or anatomical specimen shall be carefully
17 deposited and transported with the least possible public display.

18 (d) A person or institution who sends a body or anatomical
19 specimen under this chapter shall keep on permanent file a
20 description of the body or anatomical specimen that includes the
21 deceased's name, if known, color, sex, age, place and supposed
22 cause of death, and any other information available for
23 identification of the body or anatomical specimen, such as the
24 existence of scars or deformities.

25 (e) The sender shall mail or otherwise safely convey to the
26 person or institution to whom the body is sent a copy of the
27 description required by Subsection (d). The person or institution

1 receiving the body or anatomical specimen shall immediately and
2 safely transmit to the sender a receipt [~~for the body~~] containing
3 the full terms of the description furnished by the sender.

4 (f) The sender and receiver of each body or anatomical
5 specimen shall file the records required under this section in
6 accordance with board rules so that the board or a district or
7 county attorney may inspect the records at any time.

8 SECTION 9. Section 691.032, Health and Safety Code, is
9 amended to read as follows:

10 Sec. 691.032. COSTS OF DISTRIBUTION. A person or
11 institution receiving a body or anatomical specimen under this
12 chapter shall pay in a manner specified by the board, or as
13 otherwise agreed on, all costs incurred in distributing the body or
14 anatomical specimen so that the state, a county, a municipality, or
15 an officer, employee, or representative of the state, a county, or a
16 municipality does not incur any expense.

17 SECTION 10. Section 691.033, Health and Safety Code, is
18 amended by amending the section heading and Subsections (a) and (b)
19 to read as follows:

20 Sec. 691.033. USE OF BODIES AND ANATOMICAL SPECIMENS.

21 (a) To further medical science, a school, college, or person
22 designated by the board may dissect, operate on, examine, and
23 experiment on a body or anatomical specimen distributed under this
24 chapter.

25 (b) A school, college, or person shall keep a permanent
26 record of each body or anatomical specimen received from the board
27 or the board's representative. The record must be sufficient to

1 identify the body or anatomical specimen and may be inspected by the
2 board or the board's representative.

3 SECTION 11. Section 691.034, Health and Safety Code, is
4 amended to read as follows:

5 Sec. 691.034. REGULATION OF PERSONS AND INSTITUTIONS USING
6 BODIES AND ANATOMICAL SPECIMENS. (a) The board shall inspect and
7 may approve institutions for the receipt and use of bodies and
8 anatomical specimens under this chapter.

9 (b) The board may investigate a person or institution if the
10 board has reason to believe that the person or institution has
11 improperly used a body or anatomical specimen.

12 (c) The board may suspend or revoke a person's or
13 institution's authorization to receive and dissect bodies or
14 anatomical specimens if the board determines that the person or
15 institution has improperly used a body or anatomical specimen.

16 (d) A person or institution is entitled to a hearing before
17 the board or a hearing examiner appointed by the board before the
18 board may revoke the person's or institution's authorization to
19 receive and dissect bodies or anatomical specimens. The board
20 shall make all final decisions to suspend or revoke an
21 authorization.

22 SECTION 12. Section 692.005, Health and Safety Code, is
23 amended to read as follows:

24 Sec. 692.005. PERSONS WHO MAY BECOME DONEES. (a) The
25 following persons may be donees of gifts of bodies or parts of
26 bodies:

27 (1) a qualified organ procurement organization, for

1 distribution to another person who may be a donee under this
2 section, to be used for transplantation;

3 (2) a hospital or physician, to be used only for
4 ~~[medical or dental education, research,]~~ therapy or~~[~~
5 transplantation~~[, or the advancement of medical or dental science];~~

6 (3) ~~[an accredited medical, chiropractic, or dental
7 school, college, or university, to be used only for education,
8 research, therapy, or the advancement of medical or dental science,~~

9 ~~[(4)]~~ a bank or storage facility, to be used only for
10 ~~[medical or dental education, research,]~~ therapy or~~[~~
11 transplantation~~[, or the advancement of medical or dental science];~~

12 (4) ~~[(5)]~~ a person specified by a physician, to be
13 used only for therapy or transplantation needed by the person;

14 (5) ~~[(6)]~~ an eye bank the medical activities of which
15 are directed by a physician; or

16 (6) ~~[(7)]~~ the Anatomical Board of the State of Texas.

17 (b) The Anatomical Board of the State of Texas shall be the
18 donee of gifts of bodies or parts of bodies made for education or
19 research, which are subject to distribution by that board under
20 Chapter 691.

21 SECTION 13. This Act takes effect September 1, 2003.