

1-1 By: Janek S.B. No. 1419
1-2 (In the Senate - Filed March 13, 2003; March 20, 2003, read
1-3 first time and referred to Committee on Health and Human Services;
1-4 April 14, 2003, reported favorably by the following vote: Yeas 7,
1-5 Nays 0; April 14, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to anatomical specimens and donees of anatomical gifts.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Section 691.001, Health and Safety Code, is
1-11 amended to read as follows:

1-12 Sec. 691.001. DEFINITIONS. In this chapter:

1-13 (1) "Board" means the Anatomical Board of the State of
1-14 Texas.

1-15 (2) "Body" means a human corpse.

1-16 (3) "Anatomical specimen" means a part of a human
1-17 corpse.

1-18 SECTION 2. Subsection (c), Section 691.007, Health and
1-19 Safety Code, is amended to read as follows:

1-20 (c) The board shall keep identification records of each body
1-21 donated to the board and of each body or anatomical specimen
1-22 distributed by the board.

1-23 SECTION 3. Subsection (a), Section 691.008, Health and
1-24 Safety Code, is amended to read as follows:

1-25 (a) The board may set and collect reasonable and necessary
1-26 fees for receiving and distributing bodies and anatomical
1-27 specimens.

1-28 SECTION 4. The heading to Subchapter B, Chapter 691, Health
1-29 and Safety Code, is amended to read as follows:

1-30 SUBCHAPTER B. DONATION AND DISTRIBUTION OF BODIES AND
1-31 ANATOMICAL SPECIMENS

1-32 SECTION 5. Section 691.022, Health and Safety Code, is
1-33 amended to read as follows:

1-34 Sec. 691.022. GENERAL DUTIES. (a) The board shall
1-35 distribute bodies and anatomical specimens to institutions [and
1-36 persons] authorized to receive them [bodies].

1-37 (b) The board shall adopt rules to ensure that each body and
1-38 anatomical specimen in the custody of the board or an institution
1-39 represented on the board is treated with respect.

1-40 SECTION 6. Subsection (a), Section 691.028, Health and
1-41 Safety Code, is amended to read as follows:

1-42 (a) An adult living in this state who is of sound mind may
1-43 donate his body by will or other written instrument to the board, a
1-44 medical or dental school, or another [other] donee authorized by
1-45 the board, to be used for the advancement of medical science.

1-46 SECTION 7. Section 691.030, Health and Safety Code, is
1-47 amended to read as follows:

1-48 Sec. 691.030. BOARD'S AUTHORITY TO DISTRIBUTE BODIES AND
1-49 ANATOMICAL SPECIMENS. (a) The board or the board's representative
1-50 shall distribute bodies donated to it and may redistribute bodies
1-51 donated to medical or dental schools or other donees authorized by
1-52 the board [received under this chapter] to schools and colleges of
1-53 chiropractic, osteopathy, medicine, or dentistry incorporated in
1-54 this state, to physicians, and to other persons as provided by this
1-55 section.

1-56 (b) In making the distribution, the board shall give
1-57 priority to the schools and colleges that need bodies for lectures
1-58 and demonstrations.

1-59 (c) If the board has remaining bodies, the board or the
1-60 board's representative shall distribute or redistribute those
1-61 bodies to the schools and colleges proportionately and equitably
1-62 according to the number of students in each school or college
1-63 receiving instruction or demonstration in normal or morbid anatomy
1-64 and operative surgery. The dean of each school or college shall

2-1 certify that number to the board when required by the board.

2-2 (d) ~~[The board or the board's representative may, instead of~~
 2-3 ~~receiving and distributing bodies itself, authorize a physician to~~
 2-4 ~~receive a body directly. The board or the board's representative~~
 2-5 ~~shall determine the number of bodies a physician may receive.~~

2-6 ~~[(e) The board or the board's representative may distribute~~
 2-7 ~~to the State Board of Morticians as many bodies as necessary for use~~
 2-8 ~~in conducting examinations. In addition, the board or the board's~~
 2-9 ~~representative may distribute to a school of mortuary science~~
 2-10 ~~recognized and approved by the State Board of Morticians as many~~
 2-11 ~~bodies as the board considers necessary for use in instruction.~~

2-12 ~~[(f)] The board may transport a body or anatomical specimen~~
 2-13 ~~to an authorized recipient in another state if the board determines~~
 2-14 ~~that the supply of bodies or anatomical specimens in this state~~
 2-15 ~~exceeds the need for bodies or anatomical specimens [there is a~~
 2-16 ~~shortage of bodies in that state, but only if the other state agrees~~
 2-17 ~~to ship surplus bodies to this state when the board determines that~~
 2-18 ~~there is a shortage] in this state and if:~~

2-19 (1) the deceased donated his body in compliance with
 2-20 Section 691.028 and at the time of the donation authorized the board
 2-21 to transport the body outside this state; or

2-22 (2) the body was donated in compliance with Chapter
 2-23 692 (Texas Anatomical Gift Act) and the person authorized to make
 2-24 the donation under Section 692.004 authorized the board to
 2-25 transport the body outside this state.

2-26 SECTION 8. Section 691.031, Health and Safety Code, is
 2-27 amended to read as follows:

2-28 Sec. 691.031. TRANSPORTATION OF BODIES; RECORDS. (a) The
 2-29 board shall adopt rules to ensure that each body or anatomical
 2-30 specimen received or distributed by the board is properly
 2-31 transported.

2-32 (b) The board may employ a public carrier to transport
 2-33 bodies or anatomical specimens received or distributed by the
 2-34 board.

2-35 (c) Each body or anatomical specimen shall be carefully
 2-36 deposited and transported with the least possible public display.

2-37 (d) A person or institution who sends a body or anatomical
 2-38 specimen under this chapter shall keep on permanent file a
 2-39 description of the body or anatomical specimen that includes the
 2-40 deceased's name, if known, color, sex, age, place and supposed
 2-41 cause of death, and any other information available for
 2-42 identification of the body or anatomical specimen, such as the
 2-43 existence of scars or deformities.

2-44 (e) The sender shall mail or otherwise safely convey to the
 2-45 person or institution to whom the body is sent a copy of the
 2-46 description required by Subsection (d). The person or institution
 2-47 receiving the body or anatomical specimen shall immediately and
 2-48 safely transmit to the sender a receipt ~~[for the body]~~ containing
 2-49 the full terms of the description furnished by the sender.

2-50 (f) The sender and receiver of each body or anatomical
 2-51 specimen shall file the records required under this section in
 2-52 accordance with board rules so that the board or a district or
 2-53 county attorney may inspect the records at any time.

2-54 SECTION 9. Section 691.032, Health and Safety Code, is
 2-55 amended to read as follows:

2-56 Sec. 691.032. COSTS OF DISTRIBUTION. A person or
 2-57 institution receiving a body or anatomical specimen under this
 2-58 chapter shall pay in a manner specified by the board, or as
 2-59 otherwise agreed on, all costs incurred in distributing the body or
 2-60 anatomical specimen so that the state, a county, a municipality, or
 2-61 an officer, employee, or representative of the state, a county, or a
 2-62 municipality does not incur any expense.

2-63 SECTION 10. Section 691.033, Health and Safety Code, is
 2-64 amended by amending the section heading and Subsections (a) and (b)
 2-65 to read as follows:

2-66 Sec. 691.033. USE OF BODIES AND ANATOMICAL SPECIMENS.

2-67 (a) To further medical science, a school, college, or person
 2-68 designated by the board may dissect, operate on, examine, and
 2-69 experiment on a body or anatomical specimen distributed under this

3-1 chapter.

3-2 (b) A school, college, or person shall keep a permanent
3-3 record of each body or anatomical specimen received from the board
3-4 or the board's representative. The record must be sufficient to
3-5 identify the body or anatomical specimen and may be inspected by the
3-6 board or the board's representative.

3-7 SECTION 11. Section 691.034, Health and Safety Code, is
3-8 amended to read as follows:

3-9 Sec. 691.034. REGULATION OF PERSONS AND INSTITUTIONS USING
3-10 BODIES AND ANATOMICAL SPECIMENS. (a) The board shall inspect and
3-11 may approve institutions for the receipt and use of bodies and
3-12 anatomical specimens under this chapter.

3-13 (b) The board may investigate a person or institution if the
3-14 board has reason to believe that the person or institution has
3-15 improperly used a body or anatomical specimen.

3-16 (c) The board may suspend or revoke a person's or
3-17 institution's authorization to receive and dissect bodies or
3-18 anatomical specimens if the board determines that the person or
3-19 institution has improperly used a body or anatomical specimen.

3-20 (d) A person or institution is entitled to a hearing before
3-21 the board or a hearing examiner appointed by the board before the
3-22 board may revoke the person's or institution's authorization to
3-23 receive and dissect bodies or anatomical specimens. The board
3-24 shall make all final decisions to suspend or revoke an
3-25 authorization.

3-26 SECTION 12. Section 692.005, Health and Safety Code, is
3-27 amended to read as follows:

3-28 Sec. 692.005. PERSONS WHO MAY BECOME DONEES. (a) The
3-29 following persons may be donees of gifts of bodies or parts of
3-30 bodies:

3-31 (1) a qualified organ procurement organization, for
3-32 distribution to another person who may be a donee under this
3-33 section, to be used for transplantation;

3-34 (2) a hospital or physician, to be used only for
3-35 ~~[medical or dental education, research,]~~ therapy or ~~[7]~~
3-36 transplantation~~[, or the advancement of medical or dental science];~~

3-37 (3) ~~[an accredited medical, chiropractic, or dental
3-38 school, college, or university, to be used only for education,
3-39 research, therapy, or the advancement of medical or dental science,~~

3-40 ~~[(4)]~~ a bank or storage facility, to be used only for
3-41 ~~[medical or dental education, research,]~~ therapy or ~~[7]~~
3-42 transplantation~~[, or the advancement of medical or dental science];~~

3-43 (4) ~~[(5)]~~ a person specified by a physician, to be
3-44 used only for therapy or transplantation needed by the person;

3-45 (5) ~~[(6)]~~ an eye bank the medical activities of which
3-46 are directed by a physician; or

3-47 (6) ~~[(7)]~~ the Anatomical Board of the State of Texas.

3-48 (b) The Anatomical Board of the State of Texas shall be the
3-49 donee of gifts of bodies or parts of bodies made for education or
3-50 research, which are subject to distribution by that board under
3-51 Chapter 691.

3-52 SECTION 13. This Act takes effect September 1, 2003.

3-53 * * * * *