

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION**

**April 9, 2003**

**TO:** Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE: SB1225** by Nelson (Relating to the removal of a body part or tissue from a decedent who died under circumstances requiring an inquest. ), **Committee Report 1st House, Substituted**

**No fiscal implication to the State is anticipated.**

The bill would amend the Health and Safety Code relating to the removal of a body part or tissue from a decedent who died under circumstances requiring an inquest. The justice of the peace, county judge, or physician designated by either, would be added as an authorized decision-maker to permit the removal of organs for decedents who died under circumstances requiring an inquest if consent is obtained. Additional procedures related to decisions regarding organ removal are also provided in the bill.

Further, when a qualified organ procurement organization is requested to reimburse the county or the entity designated by the county for the actual costs incurred in performing duties related to organ removal, the payment, not to exceed \$1,000, would be applied to additional costs incurred by whichever office (medical examiner, justice of the peace, or county judge) performed the duty of being present at the hospital for the organ removal.

The bill would take effect July 1, 2003, if it receives a vote of two-thirds of all members of each house; otherwise, it would take effect on September 1, 2003. Provisions of the bill would apply only to an inquest conducted on or after the effective date.

Current law authorizes only a medical examiner to make determinations regarding removal of a body part or tissue for a decedent who died under circumstances requiring an inquest. Current law also specifies that the payment by an organ procurement organization is made for services provided by the medical examiner. Adding duties that may be performed by a justice of the peace or a county judge is not anticipated to have a fiscal impact on units of local government, particularly because expenses can be recouped from the organ procurement organization.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 501 Department of Health

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