

## **BILL ANALYSIS**

H.B. 1544  
By: Dawson  
Public Health  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Prior to 1977, there was a shortage of viable corneas available for transplantation to patients needing to restore sight. The 64th Texas Legislature passed House Bill 307, the "Gift of Sight" which did not require that a medical examiner ask whether or not a relative of a decedent objected to the removal of corneal tissue. Removal was only permitted if the medical examiner was not aware of an objection. If the cause of death required an investigation by the medical examiner or justice of the peace, the removal could not interfere with an autopsy or alter the post-mortem facial appearance. Corneas remain viable six hours after death and must be transplanted within six days of recovery. Each year, thousands of corneas are destroyed by routine autopsies when the fluid in the back of the eye is withdrawn for serological and toxicology testing. Because of these issues, the Texas Legislature enacted the current law regarding corneas to permit medical examiners and justices of the peace to authorize that corneas be recovered prior to autopsy. There have been many instances documented where corneal tissue was recovered without the prior consent of the next of kin of the deceased.

House Bill 1544 requires express consent to donate the corneal tissue of a decedent. Under HB 1544, corneal tissue will be included under the Anatomical Gift Act and be subjected to the same provisions that exist for the removal of other organs.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

HB 1544 amends the Health and Safety Code to specify that a medical examiner, justice of the peace, county judge, or physician designated by the county judge or justice of the peace may permit the removal of corneal tissue. This tissue is subject to the same provisions that apply to the removal of a visceral organ at the request of an organ procurement organization.

The provisions relating to immunity and consent apply to the removal of corneal tissue.

HB 1544 repeals the former provisions related to the procurement of corneal tissue in the Health and Safety Code.

### **EFFECTIVE DATE**

September 1, 2005.