

1-1 By: Dawson, Coleman (Senate Sponsor - Ellis) H.B. No. 1544  
1-2 (In the Senate - Received from the House April 18, 2005;  
1-3 April 19, 2005, read first time and referred to Committee on Health  
1-4 and Human Services; May 6, 2005, reported adversely, with  
1-5 favorable Committee Substitute by the following vote: Yeas 9,  
1-6 Nays 0; May 6, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 1544 By: Deuell

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to removal of corneal tissue from a decedent; providing  
1-11 penalties.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Chapter 692, Health and Safety Code, is amended  
1-14 by adding Sections 692.017 to read as follows:

1-15 Sec. 692.017. CIVIL PENALTY. (a) A person who removes  
1-16 corneal tissue from a decedent knowing that a gift authorizing the  
1-17 removal has not been made in accordance with Section 692.003 or  
1-18 692.004 is liable to the state for a civil penalty.

1-19 (b) A person authorized to accept a gift under Section  
1-20 692.005 or the agent or employee of a person authorized to accept a  
1-21 gift under Section 692.005 who accepts corneal tissue removed from  
1-22 a decedent knowing that a gift authorizing the removal has not been  
1-23 made in accordance with Section 692.003 or 692.004 is liable to the  
1-24 state for a civil penalty.

1-25 (c) A civil penalty under this section may not exceed \$500  
1-26 for each violation. In assessing a penalty under this section, the  
1-27 court shall consider the seriousness of the violation.

1-28 (d) The attorney general may sue to collect the penalty.

1-29 SECTION 2. Subchapter A, Chapter 693, Health and Safety  
1-30 Code, is amended by adding Section 693.006 to read as follows:

1-31 Sec. 693.006. REMOVAL OF CORNEAL TISSUE. On a request from an  
1-32 eye bank, as defined in Section 692.002, the medical examiner,  
1-33 justice of the peace, county judge, or physician designated by the  
1-34 justice of the peace or county judge may permit the removal of  
1-35 corneal tissue subject to the same provisions that apply to removal  
1-36 of a visceral organ on the request of an organ procurement  
1-37 organization under this subchapter. The provisions of this  
1-38 subchapter relating to immunity and consent apply to the removal of  
1-39 the corneal tissue.

1-40 SECTION 3. Subchapter B, Chapter 693, Health and Safety  
1-41 Code, and Subchapter B, Section 521.405, Transportation Code, are  
1-42 repealed.

1-43 SECTION 4. This Act applies only to removal of corneal  
1-44 tissue on or after September 1, 2005. Removal of corneal tissue  
1-45 before September 1, 2005, is governed by the law in effect  
1-46 immediately before that date, and that law is continued in effect  
1-47 for that purpose.

1-48 SECTION 5. This Act takes effect September 1, 2005.

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