

By: Coleman

H.B. No. 2963

A BILL TO BE ENTITLED

AN ACT

relating to removal of corneal tissue from a decedent; providing penalties.

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

SECTION 1. Chapter 692, Health and Safety Code, is amended by adding Sections 692.017 and 692.018 to read as follows:

Sec. 692.017. CRIMINAL PENALTY. (a) A person commits an offense if the person removes corneal tissue from a decedent knowing that a gift authorizing the removal has not been made in accordance with Section 692.003 or 692.004.

(b) A person commits an offense if the person is authorized to accept a gift under Section 692.005 or the person is an agent or employee of a person authorized to accept a gift under Section 692.005 and the person accepts corneal tissue removed from a decedent knowing that a gift authorizing the removal has not been made in accordance with Section 692.003 or 692.004.

(c) An offense under this section is a Class A misdemeanor.

Sec. 692.018. CIVIL PENALTY. (a) A person who removes corneal tissue from a decedent knowing that a gift authorizing the removal has not been made in accordance with Section 692.003 or 692.004 is liable to the state for a civil penalty.

(b) A person authorized to accept a gift under Section 692.005 or the agent or employee of a person authorized to accept a gift under Section 692.005 who accepts corneal tissue removed from

1 a decedent knowing that a gift authorizing the removal has not been  
2 made in accordance with Section 692.003 or 692.004 is liable to the  
3 state for a civil penalty.

4 (c) A civil penalty under this section may not exceed \$500  
5 for each violation. In assessing a penalty under this section, the  
6 court shall consider the seriousness of the violation.

7 (d) The attorney general may sue to collect the penalty.

8 SECTION 2. Subchapter A, Chapter 693, Health and Safety  
9 Code, is amended by adding Section 693.006 to read as follows:

10 Sec. 693.006. REMOVAL OF CORNEAL TISSUE. On a request from  
11 an eye bank, as defined in Section 692.002, the medical examiner,  
12 justice of the peace, county judge, or physician designated by the  
13 justice of the peace or county judge may permit the removal of  
14 corneal tissue subject to the same provisions that apply to removal  
15 of a visceral organ on the request of an organ procurement  
16 organization under this subchapter. The provisions of this  
17 subchapter relating to immunity and consent apply to the removal of  
18 the corneal tissue.

19 SECTION 3. Subchapter B, Chapter 693, Health and Safety  
20 Code, is repealed.

21 SECTION 4. This Act applies only to removal of corneal  
22 tissue on or after September 1, 2005. Removal of corneal tissue  
23 before September 1, 2005, is governed by the law in effect  
24 immediately before that date, and that law is continued in effect  
25 for that purpose.

26 SECTION 5. This Act takes effect September 1, 2005.