

By: Ellis

S.B. No. 1562

A BILL TO BE ENTITLED

AN ACT

1
2 relating to removal of corneal tissue from a decedent; providing
3 penalties.

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

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

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

11 (b) A person commits an offense if the person is authorized
12 to accept a gift under Section 692.005 or the person is an agent or
13 employee of a person authorized to accept a gift under Section
14 692.005 and the person accepts corneal tissue removed from a
15 decedent knowing that a gift authorizing the removal has not been
16 made in accordance with Section 692.003 or 692.004.

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

18 Sec. 692.018. CIVIL PENALTY. (a) A person who removes
19 corneal tissue from a decedent knowing that a gift authorizing the
20 removal has not been made in accordance with Section 692.003 or
21 692.004 is liable to the state for a civil penalty.

22 (b) A person authorized to accept a gift under Section
23 692.005 or the agent or employee of a person authorized to accept a
24 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.