

BILL ANALYSIS

S.B. 284
By: Nelson
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

There currently are no federal or state laws requiring tissue procurement organizations to be federally accredited.

S.B. 284 strengthens the accreditation requirements for tissue transplantation and procurement companies and requires more stringent documentation for the transport of bodies and body parts.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Anatomical Board of the State of Texas in SECTIONS 2 and 4 of this bill.

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 3 of this bill.

ANALYSIS

S.B. 284 amends the Health and Safety Code to require the Anatomical Board of the State of Texas to develop an informed consent document to inform a person making a gift of a decedent's body or anatomical specimen for purposes of education or research of the risks and benefits associated with donation. The bill requires the board to make the document available on the board's Internet website and to develop the document not later than January 1, 2010.

S.B. 284 requires the board to adopt rules to ensure that a label with the statement "CONTENTS DERIVED FROM DONATED HUMAN TISSUE" is affixed to the container in which the body or anatomical specimen is transported and that each person who has control or possession of a body or anatomical specimen satisfactorily completes the information required on a chain-of-custody form prescribed by the board, maintains a copy of the form for the person's records, and transfers the form to any other person to whom control or possession of the body or anatomical specimen is transferred. The bill requires the board to adopt these rules and the chain-of-custody form not later than January 1, 2010.

S.B. 284 prohibits a qualified tissue procurement organization from acting as a donee for a gift of a body or body part unless the organization has provided the Health and Human Services Commission (HHSC) a copy of the organization's accreditation by the American Association of Tissue Banks, the Eye Bank Association of America, or another accreditation organization approved by HHSC. The bill authorizes the executive commissioner of HHSC to adopt rules as necessary to administer these provisions.

S.B. 284 provides that a qualified tissue procurement organization is not required to be accredited under provisions of the bill relating to such an organization acting as a donee for a gift of a body or body part on the effective date of the bill but requires the organization to comply with the following: requires a qualified tissue procurement organization that is accredited on the effective date of the bill to submit proof of accreditation to HHSC not later than March 1, 2010;

requires a qualified tissue procurement organization that is not accredited on the effective date of the bill to submit proof to HHSC that the organization has applied for accreditation not later than March 1, 2010, and to submit proof to HHSC not later than March 1, 2011, that the organization is accredited

EFFECTIVE DATE

September 1, 2009.