

By: Nelson

S.B. No. 284

A BILL TO BE ENTITLED

AN ACT

relating to human body and anatomical specimen donation.

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

SECTION 1. Subchapter B, Chapter 691, Health and Safety Code, is amended by adding Section 691.0225 to read as follows:

Sec. 691.0225. INFORMED CONSENT DOCUMENT. The board shall 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 board shall make the document available on the board's Internet website.

SECTION 2. Subsection (a), Section 691.031, Health and Safety Code, is amended to read as follows:

(a) The board shall adopt rules to ensure that:

(1) each body or anatomical specimen received or distributed by the board is properly transported;

(2) 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

(3) each person who has control or possession of a body or anatomical specimen:

(A) satisfactorily completes the information required on a chain-of-custody form prescribed by the board;

(B) maintains a copy of the form for the person's

1 records; and

2 (C) transfers the form to any other person to
3 whom control or possession of the body or anatomical specimen is
4 transferred.

5 SECTION 3. Section 692.005, Health and Safety Code, is
6 amended by adding Subsections (d) and (e) to read as follows:

7 (d) A qualified tissue procurement organization may not act
8 as a donee for a gift of a body or body part under this section
9 unless the organization has provided the Health and Human Services
10 Commission a copy of the organization's accreditation by the
11 American Association of Tissue Banks, the Eye Bank Association of
12 America, or another accreditation organization approved by the
13 commission.

14 (e) The executive commissioner of the Health and Human
15 Services Commission may adopt rules as necessary to administer this
16 section.

17 SECTION 4. Not later than January 1, 2010, the Anatomical
18 Board of the State of Texas shall:

19 (1) adopt the rules and form required under Subsection
20 (a), Section 691.031, Health and Safety Code, as amended by this
21 Act; and

22 (2) develop the informed consent document required
23 under Section 691.0225, Health and Safety Code, as added by this
24 Act.

25 SECTION 5. (a) Notwithstanding Section 692.005, Health
26 and Safety Code, as amended by this Act, a qualified tissue
27 procurement organization is not required to be accredited under

1 Subsection (d), Section 692.005, Health and Safety Code, as added
2 by this Act, on the effective date of this Act, but must comply with
3 this section.

4 (b) A qualified tissue procurement organization that is
5 accredited on the effective date of this Act shall submit proof of
6 accreditation to the Health and Human Services Commission as
7 required under Subsection (d), Section 692.005, Health and Safety
8 Code, as added by this Act, not later than March 1, 2010.

9 (c) A qualified tissue procurement organization that is not
10 accredited on the effective date of this Act shall:

11 (1) submit proof to the Health and Human Services
12 Commission that the organization has applied for accreditation not
13 later than March 1, 2010; and

14 (2) submit proof to the Health and Human Services
15 Commission that the organization is accredited as required by
16 Subsection (d), Section 692.005, Health and Safety Code, as added
17 by this Act, not later than March 1, 2011.

18 SECTION 6. This Act takes effect September 1, 2009.