

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 potential living donor or a person making a gift of a decedent's body or anatomical specimen of the risks and benefits associated with donation. The board shall make the document available on the board's Internet website and for distribution by funeral homes and crematories.

SECTION 2. Section 691.031(a), 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; and

(2) 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 records; and

(C) transfers the form to any other person to whom control or possession of the body or anatomical specimen is

1 transferred.

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

4 (d) An organ procurement organization may not act as a donee
5 for a gift of a body or body part under this section unless the
6 organization has provided the Texas Funeral Service Commission and
7 the Anatomical Board of the State of Texas a copy of the
8 organization's organ procurement organization certification issued
9 by the appropriate federal agency.

10 (e) A qualified tissue procurement organization may not act
11 as a donee for a gift of a body or body part under this section
12 unless the organization has provided the Texas Funeral Service
13 Commission and the Anatomical Board of the State of Texas a copy of
14 the organization's accreditation by the American Association of
15 Tissue Banks or another accreditation organization approved by the
16 Texas Funeral Service Commission and the Anatomical Board of the
17 State of Texas.

18 (f) The Texas Funeral Service Commission and the Anatomical
19 Board of the State of Texas may adopt rules as necessary to
20 administer this section.

21 SECTION 4. Chapter 692, Health and Safety Code, is amended
22 by adding Section 692.0146 to read as follows:

23 Sec. 692.0146. INFORMED CONSENT DOCUMENT. The Anatomical
24 Board of the State of Texas shall develop an informed consent
25 document to inform a potential living donor or a person making an
26 anatomical gift of the risks and benefits associated with donation.
27 The board shall make the document available on the board's Internet

1 website and for distribution by funeral homes and crematories.

2 SECTION 5. Not later than January 1, 2010, the Anatomical
3 Board of the State of Texas shall:

4 (1) adopt the rules and form required under Section
5 691.031(a), Health and Safety Code, as amended by this Act; and

6 (2) develop the informed consent document required
7 under Sections 691.0225 and 692.0146, Health and Safety Code, as
8 added by this Act.

9 SECTION 6. (a) Except as provided by Subsection (b) of this
10 section, this Act takes effect September 1, 2009.

11 (b) Sections 692.005(d) and (e), Health and Safety Code,
12 take effect January 1, 2010.