

1-1 By: Nelson S.B. No. 284
1-2 (In the Senate - Filed November 12, 2008; February 11, 2009,
1-3 read first time and referred to Committee on Health and Human
1-4 Services; March 9, 2009, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-6 March 9, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 284 By: Shapleigh

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to human body and anatomical specimen donation.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subchapter B, Chapter 691, Health and Safety
1-13 Code, is amended by adding Section 691.0225 to read as follows:

1-14 Sec. 691.0225. INFORMED CONSENT DOCUMENT. The board shall
1-15 develop an informed consent document to inform a person making a
1-16 gift of a decedent's body or anatomical specimen for purposes of
1-17 education or research of the risks and benefits associated with
1-18 donation. The board shall make the document available on the
1-19 board's Internet website.

1-20 SECTION 2. Subsection (a), Section 691.031, Health and
1-21 Safety Code, is amended to read as follows:

1-22 (a) The board shall adopt rules to ensure that:

1-23 (1) each body or anatomical specimen received or
1-24 distributed by the board is properly transported;

1-25 (2) a label with the statement "CONTENTS DERIVED FROM
1-26 DONATED HUMAN TISSUE" is affixed to the container in which the body
1-27 or anatomical specimen is transported; and

1-28 (3) each person who has control or possession of a body
1-29 or anatomical specimen:

1-30 (A) satisfactorily completes the information
1-31 required on a chain-of-custody form prescribed by the board;

1-32 (B) maintains a copy of the form for the person's
1-33 records; and

1-34 (C) transfers the form to any other person to
1-35 whom control or possession of the body or anatomical specimen is
1-36 transferred.

1-37 SECTION 3. Section 692.005, Health and Safety Code, is
1-38 amended by adding Subsections (d) and (e) to read as follows:

1-39 (d) A qualified tissue procurement organization may not act
1-40 as a donee for a gift of a body or body part under this section
1-41 unless the organization has provided the Health and Human Services
1-42 Commission a copy of the organization's accreditation by the
1-43 American Association of Tissue Banks, the Eye Bank Association of
1-44 America, or another accreditation organization approved by the
1-45 commission.

1-46 (e) The executive commissioner of the Health and Human
1-47 Services Commission may adopt rules as necessary to administer this
1-48 section.

1-49 SECTION 4. Not later than January 1, 2010, the Anatomical
1-50 Board of the State of Texas shall:

1-51 (1) adopt the rules and form required under Subsection
1-52 (a), Section 691.031, Health and Safety Code, as amended by this
1-53 Act; and

1-54 (2) develop the informed consent document required
1-55 under Section 691.0225, Health and Safety Code, as added by this
1-56 Act.

1-57 SECTION 5. (a) Notwithstanding Section 692.005, Health
1-58 and Safety Code, as amended by this Act, a qualified tissue
1-59 procurement organization is not required to be accredited under
1-60 Subsection (d), Section 692.005, Health and Safety Code, as added
1-61 by this Act, on the effective date of this Act, but must comply with
1-62 this section.

1-63 (b) A qualified tissue procurement organization that is

2-1 accredited on the effective date of this Act shall submit proof of
2-2 accreditation to the Health and Human Services Commission as
2-3 required under Subsection (d), Section 692.005, Health and Safety
2-4 Code, as added by this Act, not later than March 1, 2010.

2-5 (c) A qualified tissue procurement organization that is not
2-6 accredited on the effective date of this Act shall:

2-7 (1) submit proof to the Health and Human Services
2-8 Commission that the organization has applied for accreditation not
2-9 later than March 1, 2010; and

2-10 (2) submit proof to the Health and Human Services
2-11 Commission that the organization is accredited as required by
2-12 Subsection (d), Section 692.005, Health and Safety Code, as added
2-13 by this Act, not later than March 1, 2011.

2-14 SECTION 6. This Act takes effect September 1, 2009.

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