

BILL ANALYSIS

C.S.H.B. 1199
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Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Last session, legislation relating to the use of human remains in the training of search and rescue animals was filed in an effort to provide these animals the opportunity to train for natural disasters or missing persons searches. The legislation was left pending in committee, however, and was not enacted. Interested parties note that while it is a difficult subject matter, the use of human remains for forensic science education, including search and rescue animal training purposes, is the most effective way for search, rescue, and emergency response teams to prepare dogs used for their noble work. C.S.H.B. 1199 seeks to continue the efforts to prepare search and rescue animals for emergency and search situations by providing for the use of human remains for forensic science education, including the training of these animals.

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 5, 8, and 9 of this bill.

ANALYSIS

C.S.H.B. 1199 amends the Health and Safety Code to add to the authorized uses of a body or anatomical specimen donated to the Anatomical Board of the State of Texas its use to further forensic science. The bill authorizes an adult living in Texas who is of sound mind to donate the adult's body by will or other written instrument to the board or to other specified entities to be used for the advancement of forensic science. The bill includes a forensic science program among the entities to which the board or the board's representative is required and authorized to distribute or redistribute, as applicable, certain donated bodies.

C.S.H.B. 1199 includes a gift of a decedent's body or anatomical specimen for forensic science education among the purposes to be contained in the informational document required to be developed and made available online by the board about the risks and benefits associated with anatomical gifts and donation. The bill specifies that a law relating to the prevention of mutilation of a body does not apply to the use of a donated body for such purposes and requires the board, to aid in prosecutions of an offense of abuse of a corpse, to adopt rules that clearly state the activities that are authorized by the board in relation to the use of a body.

C.S.H.B. 1199 authorizes a forensic science program, in accordance with rules adopted by the board, to contract with a person who trains search and rescue animals to provide bodies or parts of bodies to the person in accordance with board rules and statutory provisions relating to the disposition of bodies. The bill requires the contract to require the person to use the bodies and parts of bodies only to assist in the training of search and rescue animals and to properly receive, handle, use, and dispose of the bodies and parts of bodies in accordance with those provisions and board rules. The bill includes in the contents of the quarterly report required to be submitted to the board by a forensic science program that receives an anatomical gift donation the number of contracts the program has entered into with persons who train search and rescue animals,

including the persons with whom the program contracted and the persons' contact information, and the number of bodies or parts of bodies provided under the contracts. The bill requires the board to adopt rules necessary to implement the bill's provisions as soon as possible after the bill's effective date.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1199 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 691.022(a), Health and Safety Code, is amended to read as follows:

(a) The board shall distribute bodies and anatomical specimens to persons and institutions authorized to receive them.

SECTION 2. Section 691.0225, Health and Safety Code, is amended to read as follows: Sec. 691.0225. INFORMATIONAL DOCUMENT. The board shall develop a document to inform a person making a gift of a decedent's body or anatomical specimen for purposes of education, including training of search and rescue animals, or research of the risks and benefits associated with donation. The board shall make the document available on the board's Internet website.

SECTION 3. Section 691.023(a), Health and Safety Code, is amended to read as follows:

(a) An officer, employee, or representative of the state, of a political subdivision, or of an institution having charge or control of a body not claimed for burial or a body required to be buried at public expense shall:

- (1) notify the board or the board's representative of the body's existence when the body comes into the person's possession, charge, or control if notified in writing to do so by the board or the board's representative;
- (2) deliver the body in accordance with the direction of the board; and
- (3) allow the board, the board's representative, or a physician designated by

HOUSE COMMITTEE SUBSTITUTE

No equivalent provision.

SECTION 1. Section 691.0225, Health and Safety Code, is amended to read as follows: Sec. 691.0225. INFORMATIONAL DOCUMENT. The board shall develop a document to inform a person making a gift of a decedent's body or anatomical specimen for purposes of education, including forensic science education, or research of the risks and benefits associated with donation. The board shall make the document available on the board's Internet website.

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- (1) notify the board or the board's representative of the body's existence when the body comes into the person's possession, charge, or control if notified in writing to do so by the board or the board's representative;
- (2) deliver the body in accordance with the direction of the board; and
- (3) allow the board, the board's representative, or a physician designated by

the board who complies with this chapter to remove the body to be used for the advancement of medical science or for the training of search and rescue animals.

SECTION 4. Section 691.025(d), Health and Safety Code, is amended to read as follows:

(d) A relative of the deceased may claim the body within 60 days after the body has been delivered to an institution or other person or entity authorized to receive the body. The body shall be released without charge.

SECTION 5. Section 691.026, Health and Safety Code, is amended to read as follows:

Sec. 691.026. BODY OF TRAVELER. If an unclaimed body is the body of a traveler who died suddenly, the board shall direct the person or institution receiving the body to retain the body for six months for purposes of identification.

SECTION 6. Section 691.028(a), Health and Safety Code, is amended to read as follows:

(a) An adult living in this state who is of sound mind may donate the adult's [his] body by will or other written instrument to the board, a medical or dental school, or another donee authorized by the board, to be used for the advancement of medical science or for the training of search and rescue animals.

SECTION 7. Section 691.030, Health and Safety Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) The board or the board's representative shall distribute bodies donated to it and may redistribute bodies donated to medical or dental schools or other donees authorized by the board to schools and colleges of chiropractic, osteopathy, medicine, or dentistry incorporated in this state, to physicians, to persons who train animals to assist in search and rescue activities conducted by a law enforcement agency. and to other persons as provided by this section.

(a-1) In making a distribution or redistribution to a person who trains search and rescue animals, the board or the board's

the board who complies with this chapter to remove the body to be used for the advancement of medical or forensic science.

No equivalent provision.

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SECTION 3. Section 691.028(a), Health and Safety Code, is amended to read as follows:

(a) An adult living in this state who is of sound mind may donate the adult's [his] body by will or other written instrument to the board, a medical or dental school, or another donee authorized by the board, to be used for the advancement of medical or forensic science.

SECTION 4. Section 691.030(a), Health and Safety Code, is amended to read as follows:

(a) The board or the board's representative shall distribute bodies donated to it and may redistribute bodies donated to medical or dental schools or other donees authorized by the board to schools and colleges of chiropractic, osteopathy, medicine, or dentistry incorporated in this state, to a forensic science program, to physicians, and to other persons as provided by this section.

representative must ensure that the person will use the body only to assist a law enforcement agency in the conduct of search and rescue activities.

SECTION 8. Sections 691.033(a), (c), and (d), Health and Safety Code, are amended to read as follows:

(a) To further medical science or provide specific training, a school, college, or person designated by the board may use, dissect, operate on, examine, and experiment on a body or anatomical specimen distributed under this chapter.

(c) A law relating to the prevention of mutilation of a body does not apply to the use of a body as authorized under this section or a dissection, operation, examination, or experiment performed under this section.

(d) To aid prosecutions under Section 42.08, Penal Code, the board shall adopt rules that clearly state the activities that are authorized by the board in relation to the use or dissection of a body.

SECTION 9. Sections 691.034(a), (c), and (d), Health and Safety Code, are amended to read as follows:

(a) The board shall inspect and may approve institutions and persons for the receipt and use of bodies and anatomical specimens under this chapter.

(c) The board may suspend or revoke a person's or institution's authorization to receive and use or dissect bodies or anatomical specimens if the board determines that the person or institution has improperly used a body or anatomical specimen.

(d) A person or institution is entitled to a hearing before the board or a hearing examiner appointed by the board before the board may revoke the person's or institution's authorization to receive and use or dissect bodies or anatomical specimens. The board shall make all final decisions to suspend or revoke an authorization.

SECTION 10. Section 692A.002, Health and Safety Code, is amended by adding Subdivision (11-a) to read as follows:

(11-a) "Education" with respect to the purposes authorized by law for making an anatomical gift includes training of search

SECTION 5. Sections 691.033(a), (c), and (d), Health and Safety Code, are amended to read as follows:

(a) To further medical or forensic science, a school, college, or person designated by the board may use, dissect, operate on, examine, and experiment on a body or anatomical specimen distributed under this chapter.

(c) A law relating to the prevention of mutilation of a body does not apply to the use of a body as authorized under this section or a dissection, operation, examination, or experiment performed under this section.

(d) To aid prosecutions under Section 42.08, Penal Code, the board shall adopt rules that clearly state the activities that are authorized by the board in relation to the use or dissection of a body.

SECTION 6. Sections 691.034(c) and (d), Health and Safety Code, are amended to read as follows:

(c) The board may suspend or revoke a person's or institution's authorization to receive and use or dissect bodies or anatomical specimens if the board determines that the person or institution has improperly used a body or anatomical specimen.

(d) A person or institution is entitled to a hearing before the board or a hearing examiner appointed by the board before the board may revoke the person's or institution's authorization to receive and use or dissect bodies or anatomical specimens. The board shall make all final decisions to suspend or revoke an authorization.

SECTION 7. Section 692A.002, Health and Safety Code, is amended by adding Subdivision (11-a) to read as follows:

(11-a) "Education" with respect to the purposes authorized by law for making an anatomical gift includes forensic science

and rescue animals.

SECTION 11. Sections 692A.011(a) and (b), Health and Safety Code, are amended to read as follows:

(a) An anatomical gift may be made to the following persons named in the document of gift:

- (1) an organ procurement organization to be used for transplantation, therapy, research, or education;
- (2) a hospital to be used for research;
- (3) subject to Subsection (d), an individual designated by the person making the anatomical gift if the individual is the recipient of the part;
- (4) an eye bank or tissue bank, except that use of a gift of a whole body must be coordinated through the Anatomical Board of the State of Texas;
- (5) a forensic science program at:
 - (A) a general academic teaching institution as defined by Section 61.003, Education Code; or
 - (B) a private or independent institution of higher education as defined by Section 61.003, Education Code; [ø]
- (6) a person who trains animals to assist in search and rescue activities conducted by a law enforcement agency; or
- (7) the Anatomical Board of the State of Texas.

(b) Except for donations described by Subsections (a)(1) through (6) [~~(5)~~], the Anatomical Board of the State of Texas shall be the donee of gifts of bodies or parts of bodies made for the purpose of education or research that are subject to distribution by the board under Chapter 691.

No equivalent provision.

education.

SECTION 8. Section 692A.011, Health and Safety Code, is amended by amending Subsection (c) and adding Subsection (c-1) to read as follows:

No equivalent provision.

No equivalent provision.

(c) A forensic science program that receives a donation under Subsection (a)(5) must submit a report to the Anatomical Board of the State of Texas on a quarterly basis that lists:

- (1) the number of bodies or parts of bodies that the program received; [~~and~~]
- (2) the method in which the program used the bodies or parts of bodies for education or research; and
- (3) the number of contracts the program has entered into under Subsection (c-1).

including the persons with whom the program contracted and the persons' contact information, and the number of bodies or parts of bodies provided under the contracts.

No equivalent provision.

(c-1) A forensic science program in accordance with rules adopted by the Anatomical Board of the State of Texas may contract with a person who trains search and rescue animals to provide bodies or parts of bodies to the person in accordance with board rules and this subtitle. The contract must require the person to use the bodies and parts of bodies only to assist in the training of search and rescue animals and to properly receive, handle, use, and dispose of the bodies and parts of bodies in accordance with this subtitle and rules adopted by the board.

No equivalent provision.

SECTION 9. As soon as practicable after the effective date of this Act, the Anatomical Board of the State of Texas shall adopt the rules necessary to implement the changes in law made by this Act to Chapter 691, Health and Safety Code, and Section 692A.011, Health and Safety Code.

SECTION 12. This Act takes effect September 1, 2013.

SECTION 10. Same as introduced version.