

BILL ANALYSIS

Senate Research Center
83R225 YDB-D

S.B. 1011
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Agriculture, Rural Affairs & Homeland Security
4/4/2013
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently search and rescue animal units do not have the ability to train with human remains in preparation for natural disasters or missing person searches. S.B. 1011 adds authorized persons who train search and rescue animals to assist in search and rescue activities conducted by a law enforcement agency to the list of entities eligible to receive a decedent's body or anatomical specimen for purposes of education, and includes such training among the purposes authorized by law for anatomical gifts.

As proposed, S.B. 1011 amends current law relating to the use of human remains in the training of search and rescue animals.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Anatomical Board of the State of Texas is modified in SECTION 8 (Section 691.033, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 691.022(a), Health and Safety Code, to require the Anatomical Board of the State of Texas (board) to distribute bodies and anatomical specimens to persons and institutions authorized to receive them.

SECTION 2. Amends Section 691.0225, Health and Safety Code, to require the board to 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.

SECTION 3. Amends Section 691.023(a), Health and Safety Code, as follows:

(a) Requires 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 to:

(1)-(2) Makes no change to these subdivisions; 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. Amends Section 691.025(d), Health and Safety Code, to authorize a relative of the deceased to 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.

SECTION 5. Amends Section 691.026, Health and Safety Code, to require the board, if an unclaimed body is the body of a traveler who died suddenly, to direct the person or institution receiving the body to retain the body for six months for purposes of identification.

SECTION 6. Amends Section 691.028(a), Health and Safety Code, to authorize an adult living in this state who is of sound mind to donate the adult's body, rather than 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. Amends Section 691.030, Health and Safety Code, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Requires the board or the board's representative to distribute bodies donated to it, and authorizes the board to 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) Requires the board or the board's representative, in making a distribution or redistribution to a person who trains search and rescue animals, to 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. Amends Sections 691.033(a), (c), and (d), Health and Safety Code, as follows:

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

(c) Provides that 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) Requires the board, to aid prosecutions under Section 42.08 (Abuse of Corpse), Penal Code, to 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. Amends Sections 691.034(a), (c), and (d), Health and Safety Code, as follows:

(a) Requires the board to inspect and authorizes the board to approve institutions and persons for the receipt and use of bodies and anatomical specimens under this chapter.

(c) Authorizes the board to 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) Entitles a person or institution 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.

SECTION 10. Amends Section 692A.002, Health and Safety Code, by adding Subdivision (11-a), to define "education."

SECTION 11. Amends Sections 692A.011(a) and (b), Health and Safety Code, as follows:

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

(1)-(4) Makes no change to these subdivisions;

(5) Makes a nonsubstantive change to this subdivision;

(6) a person who trains animals to assist in search and rescue activities conducted by a law enforcement agency; or

(7) the board.

(b) Provides that, except for donations described by Subsections (a)(1) through (6), rather than by Subsections (a)(1) through (5), the board 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 (Anatomical Board of the State of Texas).

SECTION 12. Effective date: September 1, 2013.