

By: Taylor

H.B. No. 1199

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the use of human remains in the training of search and
3 rescue animals.

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

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

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

9 SECTION 2. Section 691.0225, Health and Safety Code, is
10 amended to read as follows:

11 Sec. 691.0225. INFORMATIONAL DOCUMENT. The board shall
12 develop a document to inform a person making a gift of a decedent's
13 body or anatomical specimen for purposes of education, including
14 training of search and rescue animals, or research of the risks and
15 benefits associated with donation. The board shall make the
16 document available on the board's Internet website.

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

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

23 (1) notify the board or the board's representative of
24 the body's existence when the body comes into the person's

1 possession, charge, or control if notified in writing to do so by
2 the board or the board's representative;

3 (2) deliver the body in accordance with the direction
4 of the board; and

5 (3) allow the board, the board's representative, or a
6 physician designated by the board who complies with this chapter to
7 remove the body to be used for the advancement of medical science or
8 for the training of search and rescue animals.

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

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

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

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

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

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

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

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

12 (a-1) In making a distribution or redistribution to a person
13 who trains search and rescue animals, the board or the board's
14 representative must ensure that the person will use the body only to
15 assist a law enforcement agency in the conduct of search and rescue
16 activities.

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

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

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

27 (d) To aid prosecutions under Section 42.08, Penal Code, the

1 board shall adopt rules that clearly state the activities that are
2 authorized by the board in relation to the use or dissection of a
3 body.

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

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

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

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

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

21 (11-a) "Education" with respect to the purposes
22 authorized by law for making an anatomical gift includes training
23 of search and rescue animals.

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

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

1 (1) an organ procurement organization to be used for
2 transplantation, therapy, research, or education;

3 (2) a hospital to be used for research;

4 (3) subject to Subsection (d), an individual
5 designated by the person making the anatomical gift if the
6 individual is the recipient of the part;

7 (4) an eye bank or tissue bank, except that use of a
8 gift of a whole body must be coordinated through the Anatomical
9 Board of the State of Texas;

10 (5) a forensic science program at:

11 (A) a general academic teaching institution as
12 defined by Section 61.003, Education Code; or

13 (B) a private or independent institution of
14 higher education as defined by Section 61.003, Education Code; ~~or~~

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

17 (7) the Anatomical Board of the State of Texas.

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

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