

By: Zerwas

H.B. No. 1746

A BILL TO BE ENTITLED

AN ACT

relating to the use by a medical examiner of certain medical waste and autopsy records.

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

SECTION 1. Article 49.25, Code of Criminal Procedure, is amended by adding Section 13B to read as follows:

Sec. 13B. EDUCATION AND RESEARCH. (a) For purposes of this section, "medical waste" has the meaning assigned to the term "special waste from health care-related facilities" by Department of State Health Services rule, except that the term does not include:

(1) waste produced on a farm or ranch as defined by Section 151.316, Tax Code; or

(2) artificial, nonhuman materials removed from a patient and requested by the patient, including orthopedic devices and breast implants.

(b) Except as provided by Subsection (e), a medical examiner may use tissue that is removed from a body during an autopsy to perform educational, diagnostic, or research activities after the autopsy if the tissue is medical waste. These activities may be conducted in collaboration with a nationally recognized research or educational institution.

(c) Except as provided by Subsection (e), a medical examiner may use a photograph of a body taken during an autopsy for

1 educational or teaching purposes.

2 (d) Research activities conducted in collaboration with a  
3 nationally recognized research or educational institution must be  
4 reviewed, in each case, by an institutional review board for  
5 compliance with applicable state and federal law.

6 (e) A medical examiner may not use tissue or a photograph  
7 under Subsection (b) or (c) if the medical examiner receives a  
8 notarized affidavit that was signed by the person who is the subject  
9 of the autopsy stating the person's objection to the performance of  
10 an autopsy on the person for religious reasons.

11 SECTION 2. This Act takes effect September 1, 2013.