

1-1 By: Huffman S.B. No. 1186
 1-2 (In the Senate - Filed March 6, 2013; March 12, 2013, read
 1-3 first time and referred to Committee on Health and Human Services;
 1-4 April 8, 2013, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 9, Nays 0; April 8, 2013,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1186 By: Huffman

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the use by a medical examiner of certain medical waste
 1-22 and autopsy records.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Article 49.25, Code of Criminal Procedure, is
 1-25 amended by adding Section 13B to read as follows:

1-26 Sec. 13B. EDUCATION AND RESEARCH. (a) For purposes of
 1-27 this section, "medical waste" has the meaning assigned to the term
 1-28 "special waste from health care-related facilities" by Department
 1-29 of State Health Services rule, except that the term does not
 1-30 include:

1-31 (1) waste produced on a farm or ranch as defined by
 1-32 Section 151.316, Tax Code; or

1-33 (2) artificial, nonhuman materials removed from a
 1-34 patient and requested by the patient, including orthopedic devices
 1-35 and breast implants.

1-36 (b) Except as provided by Subsection (d), a medical examiner
 1-37 may use tissue that is removed from a body during an autopsy to
 1-38 perform educational, diagnostic, or research activities after the
 1-39 autopsy is completed if the tissue is medical waste. These
 1-40 activities may be conducted in collaboration with a nationally
 1-41 recognized research or educational institution. Tissue that is
 1-42 used must be anonymized in accordance with applicable federal
 1-43 research standards.

1-44 (c) Research activities conducted in collaboration with a
 1-45 nationally recognized research or educational institution must be
 1-46 reviewed, in each case, by an institutional review board for
 1-47 compliance with applicable state and federal law, including laws
 1-48 requiring informed consent and anonymization of tissue and
 1-49 prohibiting the sale of body parts.

1-50 (d) A medical examiner may not use tissue under Subsection
 1-51 (b) to perform educational, diagnostic, or research activities
 1-52 after the autopsy is completed unless informed consent has been
 1-53 obtained from the decedent or a guardian, next of kin, or person
 1-54 authorized to make an anatomical gift of the decedent's body under
 1-55 Section 692A.009, Health and Safety Code. Informed consent for use
 1-56 of the tissue is not required if at the completion of the autopsy
 1-57 and release of the body the decedent does not have a known guardian,
 1-58 next of kin, or person authorized to make an anatomical gift of the
 1-59 decedent's body. In the event the overseeing medical examiner or
 1-60 medical examiner's office is unable to contact the decedent's

2-1 guardian, next of kin, or a person who is authorized to make an
2-2 anatomical gift of the decedent's body within 90 days of the
2-3 decedent's death, informed consent for use of the tissue is not
2-4 required.

2-5 SECTION 2. This Act takes effect September 1, 2013.

2-6 * * * * *