

By: Capriglione

H.B. No. 2738

A BILL TO BE ENTITLED

AN ACT

relating to the use of human remains for forensic science education, including the training of search and rescue animals.

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

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.

SECTION 2. 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

1 (3) allow the board, the board's representative, or a
2 physician designated by the board who complies with this chapter to
3 remove the body to be used for the advancement of medical or
4 forensic science.

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

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

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

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

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

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

27 (c) A law relating to the prevention of mutilation of a body

1 does not apply to the use of a body as authorized under this section
2 or a dissection, operation, examination, or experiment performed
3 under this section.

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

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

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

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

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

22 (11-a) "Education" with respect to the purposes
23 authorized by law for making an anatomical gift includes forensic
24 science education.

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

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

4 (1) the number of bodies or parts of bodies that the
5 program received; ~~and~~

6 (2) the method in which the program used the bodies or
7 parts of bodies for education or research; and

8 (3) the number of contracts the program has entered
9 into under Subsection (c-1), including the persons with whom the
10 program contracted and the persons' contact information, and the
11 number of bodies or parts of bodies provided under the contracts.

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

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

26 SECTION 10. This Act takes effect September 1, 2015.