

## **BILL ANALYSIS**

H.B. 994  
By: Wray  
Public Health  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties note the need to periodically update the law to reflect developments in case law and other substantive areas of law as well as simplify and correct technical deficiencies. H.B. 994 seeks to provide clarity to the law governing the disposition of remains and anatomical gifts.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 994 amends the Health and Safety Code to add as an alternative to the requirement that two specified adults witness the signing of a record by a person other than a donor making, amending, revoking, or refusing to make an anatomical gift before the donor's death for a donor who is physically unable to sign the record a requirement that such signing be acknowledged before a notary public. The bill revises certain language relating to a decedent's relationship with the decedent's agent or successor agent in the form for the written instrument used to appoint an individual to control the disposition of remains. The bill repeals a provision relating to the effect of an anatomical gift made by a document other than a will. The bill's provisions apply only to the validity of a document executed on or after the bill's effective date. The bill's provisions apply to a record or a written instrument, as applicable, created before, on, or after the bill's effective date and to a judicial proceeding concerning such a record or written instrument that commences on or after, or is pending on, such date. The bill makes inapplicable any of its provisions whose application a court finds would substantially interfere with the effective conduct of a judicial proceeding concerning such a record or instrument that is pending on the bill's effective date or would prejudice the rights of a party to the proceeding and establishes that the law in effect immediately before such date applies in those circumstances.

H.B. 994 repeals Chapter 692, Health and Safety Code.

### **EFFECTIVE DATE**

September 1, 2017.