

By: Howard

H.B. No. 227

A BILL TO BE ENTITLED

AN ACT

relating to donation of HIV-infected organs, eyes, and tissue to individuals infected with HIV.

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

SECTION 1. Chapter 692A, Health and Safety Code, is amended by adding Section 692A.0155 to read as follows:

Sec. 692A.0155. ANATOMICAL GIFTS BY HIV-POSITIVE PATIENT.

(a) Subject to federal regulation and rules adopted under this section, a donor or other person authorized to make an anatomical gift for the purpose of transplantation or therapy may make a gift of an organ, an eye, or tissue of a donor who tests positive for human immunodeficiency virus.

(b) An anatomical gift made under Subsection (a) may be used only for transplantation into or therapy for a patient who tests positive for human immunodeficiency virus.

(c) The department shall develop and prepare written materials to inform a patient or person authorized to consent for a patient of the nature, consequences, and risks of receiving an organ, an eye, or tissue for transplantation or therapy from a donor who is infected with human immunodeficiency virus. The written materials must include a form to be signed by the patient or person authorized to consent for the patient indicating that the materials have been explained to the patient or person and that the patient or person understands the nature, consequences, and risks of the

1 patient receiving an anatomical gift that is infected with the
2 human immunodeficiency virus.

3 (d) A physician or health care provider shall obtain
4 informed consent under this section before performing a transplant
5 or therapy authorized by this section.

6 (e) A physician or other health care provider who uses an
7 anatomical gift from a donor infected with human immunodeficiency
8 virus for transplantation into or therapy for a patient who tests
9 positive for the human immunodeficiency virus is not subject to
10 criminal, civil, or administrative penalties solely on the basis
11 that the organ, eye, or tissue was obtained from an infected donor.

12 (f) The Texas Medical Board and the executive commissioner
13 of the Health and Human Services Commission shall jointly adopt
14 rules to implement this section.

15 SECTION 2. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2017.