

By: Larson

H.B. No. 298

A BILL TO BE ENTITLED

AN ACT

relating to a parent's right to view the body of a deceased child before an autopsy is performed.

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

SECTION 1. Chapter 49, Code of Criminal Procedure, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. PARENTAL RIGHT TO VIEW DECEASED CHILD

Art. 49.51. DEFINITIONS. In this subchapter:

(1) "Child" means a person younger than 18 years of age.

(2) "Parent" has the meaning assigned by Section 160.102(11), Family Code.

Art. 49.52. PARENTAL RIGHT TO VIEW DECEASED CHILD. (a) Except as provided by Subsection (b), a parent of a deceased child whose death occurred at a hospital or other institution is entitled to view the child's body, if practicable, before the body is examined by a justice of the peace or the medical examiner, as applicable, for the county in which the death occurred.

(b) A parent of a deceased child whose death did not occur at a hospital or other institution may not view or otherwise have contact with the child's body after a justice of the peace or medical examiner described by Subsection (a) assumes control over the body under Subchapter A or B, as applicable, unless the parent first obtains the consent of the justice of the peace or medical

1 examiner or a person acting on behalf of the justice of the peace or  
2 medical examiner.

3 (c) A viewing under Subsection (b) must be supervised by a  
4 physician, registered nurse, or licensed vocational nurse or by the  
5 justice of the peace or the medical examiner or a person acting on  
6 behalf of the justice of the peace or medical examiner.

7 (d) A person may not remove a medical device from the  
8 child's body or otherwise alter the condition of the body for  
9 purposes of conducting a viewing under this article unless the  
10 person first obtains the consent of the justice of the peace or  
11 medical examiner or a person acting on behalf of the justice of the  
12 peace or medical examiner.

13 SECTION 2. This Act takes effect September 1, 2017.