

By: Buckingham

S.B. No. 1074

A BILL TO BE ENTITLED

AN ACT

relating to the persons authorized to make an anatomical gift.

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

SECTION 1. Section 692A.009(a), Health and Safety Code, is amended to read as follows:

(a) Subject to Subsections (b) and (c) and unless barred by Section 692A.007 or Section 692A.008, an anatomical gift of a decedent's body or part for the purpose of transplantation, therapy, research, or education may be made by any member of the following classes of persons who is reasonably available, in the order of priority listed:

(1) an agent of the decedent at the time of death who could have made an anatomical gift under Section 692A.004(2) immediately before the decedent's death;

(2) the spouse of the decedent;

(3) adult children of the decedent;

(4) parents of the decedent;

(5) adult siblings of the decedent;

(6) adult grandchildren of the decedent;

(7) grandparents of the decedent;

(8) an adult who exhibited special care and concern for the decedent;

(9) the persons who were acting as the guardians of the person of the decedent at the time of death; and

1           (10) ~~[the hospital administrator, and~~  
2           ~~[(11)]~~ any other person having the authority to  
3 dispose of the decedent's body.

4           SECTION 2. Section 692A.009(a), Health and Safety Code, as  
5 amended by this Act, applies only to an anatomical gift made on or  
6 after the effective date of this Act. An anatomical gift made  
7 before the effective date of this Act is governed by the law in  
8 effect immediately before the effective date of this Act, and that  
9 law is continued in effect for that purpose.

10          SECTION 3. This Act takes effect September 1, 2017.