

1-1 By: Buckingham S.B. No. 1074
 1-2 (In the Senate - Filed February 23, 2017; March 7, 2017,
 1-3 read first time and referred to Committee on State Affairs;
 1-4 April 27, 2017, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 7, Nays 2; April 27, 2017,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14		X		
1-15	X			
1-16	X			
1-17		X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1074 By: Zaffirini

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the persons authorized to make an anatomical gift.
 1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-23 SECTION 1. Section 692A.002(13), Health and Safety Code, is
 1-24 amended to read as follows:
 1-25 (13) "Guardian" means a person appointed by a court to
 1-26 make decisions regarding the support, care, education, health, or
 1-27 welfare of an individual. The term does not include:
 1-28 (A) a guardian ad litem;
 1-29 (B) a procurement organization; or
 1-30 (C) any person associated with the hospital in
 1-31 possession of the decedent's body other than a person described by
 1-32 Section 692A.009(a)(2), (3), (4), (5), (6), or (7).
 1-33 SECTION 2. Section 692A.009, Health and Safety Code, is
 1-34 amended by amending Subsection (a) and adding Subsection (d) to
 1-35 read as follows:
 1-36 (a) Subject to Subsections (b) and (c) and unless barred by
 1-37 Section 692A.007 or Section 692A.008, an anatomical gift of a
 1-38 decedent's body or part for the purpose of transplantation,
 1-39 therapy, research, or education may be made by any member of the
 1-40 following classes of persons who is reasonably available, in the
 1-41 order of priority listed:
 1-42 (1) an agent of the decedent at the time of death who
 1-43 could have made an anatomical gift under Section 692A.004(2)
 1-44 immediately before the decedent's death;
 1-45 (2) the spouse of the decedent;
 1-46 (3) adult children of the decedent;
 1-47 (4) parents of the decedent;
 1-48 (5) adult siblings of the decedent;
 1-49 (6) adult grandchildren of the decedent;
 1-50 (7) grandparents of the decedent;
 1-51 (8) an adult who exhibited special care and concern
 1-52 for the decedent other than a person associated with the hospital in
 1-53 possession of the decedent's body; and
 1-54 (9) the persons who were acting as the guardians of the
 1-55 person of the decedent at the time of death[+
 1-56 [~~(10) the hospital administrator; and~~
 1-57 [~~(11) any other person having the authority to dispose~~
 1-58 ~~of the decedent's body]~~.
 1-59 (d) A procurement organization may not petition a court to
 1-60 become the decedent's guardian or to otherwise be authorized to

2-1 make an anatomical gift of the decedent's body or part.

2-2 SECTION 3. Section 692A.009, Health and Safety Code, as
2-3 amended by this Act, applies only to an anatomical gift made on or
2-4 after the effective date of this Act. An anatomical gift made
2-5 before the effective date of this Act is governed by the law in
2-6 effect immediately before the effective date of this Act, and that
2-7 law is continued in effect for that purpose.

2-8 SECTION 4. This Act takes effect immediately if it receives
2-9 a vote of two-thirds of all the members elected to each house, as
2-10 provided by Section 39, Article III, Texas Constitution. If this
2-11 Act does not receive the vote necessary for immediate effect, this
2-12 Act takes effect September 1, 2017.

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