BILL ANALYSIS

BACKGROUND AND PURPOSE

It has been suggested that there should be an additional method for execution of an anatomical gift statement, a refusal to make such gift, or revocation of any such gift. C.S.H.B. 2247 seeks to provide for such a method by authorizing a person to make, amend, revoke, or refuse to make an anatomical gift by signing related documents in the presence of a notary public.

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

C.S.H.B. 2247 amends the Health and Safety Code to authorize a donor or other person wishing to make an anatomical gift, amend or revoke an anatomical gift, or refuse to make an anatomical gift who directs the record to be signed by another individual because the person is physically unable to sign to have the signing acknowledged before a notary public as a means of bearing witness. The bill's provisions apply to a record created before, on, or after the bill's effective date and to a judicial proceeding concerning such a record that commences on or after the bill's effective date or is pending on the bill's effective date. These provisions do not apply to a proceeding if the court finds that it would substantially interfere with the effective conduct of a judicial proceeding concerning a record that is pending on the bill's effective date or prejudice the rights of a party to the proceeding.

C.S.H.B. 2247 repeals the Texas Anatomical Gift Act.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 2247 differs from the original by changing the caption and changing references from a document to a record in a procedural provision.