

By: Oliverson

H.B. No. 1350

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.002(13), Health and Safety Code, is amended to read as follows:

(13) "Guardian" means a person appointed by a court to make decisions regarding the support, care, education, health, or welfare of an individual. The term does not include:

(A) a guardian ad litem;

(B) a procurement organization; or

(C) any person associated with the hospital in possession of the decedent's body other than a person described by Section 692A.009(a)(2), (3), (4), (5), (6), or (7).

SECTION 2. Section 692A.009, Health and Safety Code, is amended by amending Subsection (a) and adding Subsections (d) and (e) 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)

1 immediately before the decedent's death;

2 (2) the spouse of the decedent;

3 (3) adult children of the decedent;

4 (4) parents of the decedent;

5 (5) adult siblings of the decedent;

6 (6) adult grandchildren of the decedent;

7 (7) grandparents of the decedent;

8 (8) an adult who exhibited special care and concern  
9 for the decedent other than a person associated with the hospital in  
10 possession of the decedent's body; and

11 (9) the persons who were acting as the guardians of the  
12 person of the decedent at the time of death[+

13 [~~(10) the hospital administrator; and~~

14 [~~(11) any other person having the authority to dispose~~  
15 ~~of the decedent's body]~~.

16 (d) A procurement organization may not petition a court to  
17 become the decedent's guardian or to otherwise be authorized to  
18 make an anatomical gift of the decedent's body or part.

19 (e) Any dispute among the persons described by Subsection  
20 (a) concerning an anatomical gift of a decedent's body or part may  
21 be resolved by a court of competent jurisdiction.

22 SECTION 3. Sections 692A.002 and 692A.009, Health and  
23 Safety Code, as amended by this Act, apply only to an anatomical  
24 gift made on or after the effective date of this Act. An anatomical  
25 gift made before the effective date of this Act is governed by the  
26 law in effect immediately before the effective date of this Act, and  
27 that law is continued in effect for that purpose.

1           SECTION 4. This Act takes effect immediately if it receives  
2 a vote of two-thirds of all the members elected to each house, as  
3 provided by Section 39, Article III, Texas Constitution. If this  
4 Act does not receive the vote necessary for immediate effect, this  
5 Act takes effect September 1, 2019.