

BILL ANALYSIS

C.S.H.B. 1565
By: Paddie
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Willed body programs allow adults to donate their deceased bodies to further education and research. These programs serve as a primary resource for institutions of higher education and other health professions by ensuring affordable access to cadavers, which are essential for teaching and training. The Anatomical Board of the State of Texas (SAB) oversees the distribution of these donated or unclaimed deceased bodies to approved institutions of higher education for use in medical or forensic science education and research. SAB does not receive any state appropriations and does not have authority to hire staff. Following its first review of SAB in more than 35 years, the Sunset Advisory Commission found that SAB cannot provide effective oversight or adhere to regulatory best practices in its current form. C.S.H.B. 1565 seeks to abolish SAB as a standalone state agency and transfer its functions to the Texas Funeral Service Commission (TFSC) with certain statutory modifications, while reconstituting SAB as an advisory committee to the TFSC.

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 rulemaking authority is expressly granted to the Texas Funeral Service Commission in SECTIONS 1.07, 1.08, 1.17, 1.19, and 1.21 of this bill.

ANALYSIS

C.S.H.B. 1565 abolishes the Anatomical Board of the State of Texas as a standalone agency tasked with overseeing and regulating the distribution of donated or unclaimed deceased bodies or other anatomical specimens for use in medical or forensic science education and research, known as willed body programs, which are operated at institutions of higher education and programs operated by an organization accredited by the American Association of Tissue Banks (AATB). The bill amends the Occupations Code to transfer the regulation of the willed body programs operated at these institutions instead to the Texas Funeral Service Commission (TFSC).

C.S.H.B. 1565 continues the anatomical board in existence until September 1, 2022, for the sole purpose of transferring obligations, property, rights, powers, and duties to the TFSC. The bill sets out additional provisions relating to that transfer, including providing for the continuation of anatomical board rules as TFSC rules and the continuation of an authorization, complaint, investigation, and proceeding pending on the bill's effective date without change in status.

C.S.H.B. 1565 amends the Health and Safety Code to reconstitute the former anatomical board as the State Anatomical Advisory Committee to advise the TFSC on matters related to the

regulation and operation of applicable willed body programs. The bill revises provisions applicable to the former anatomical board to reflect the transfer of regulatory authority to the TFSC and the creation of that new advisory committee. Additionally, the bill does the following:

- with respect to advisory committee members:
 - sets out the composition of the advisory committee and establishes two-year terms of advisory committee members; and
 - requires the TFSC to appoint advisory committee members not later than the 60th day after the bill's effective date and provides for the holdover of members of the former anatomical board until a majority of the advisory committee's members are appointed;
- authorizes the TFSC to set and collect reasonable and necessary fees for conducting inspections of institutions or other persons authorized to receive and use bodies or anatomical specimens; and
- with respect to the TFSC's rulemaking authority over applicable willed body programs:
 - requires the TFSC to adopt rules, establish procedures, and prescribe forms necessary to administer and enforce provisions governing the donation of bodies and anatomical specimens;
 - prohibits the TFSC from adopting a rule related to standards of practice, ethics, qualifications, or disciplinary sanctions for institutions or persons regulated under provisions governing the donation of bodies and anatomical specimens unless the advisory committee first proposes the rule and the proposed rule is authorized by those provisions;
 - prohibits the TFSC from modifying a rule that is proposed by the advisory committee; and
 - requires the TFSC to return a proposed rule that the TFSC declines to adopt back to the advisory committee with an explanation of the reasons the TFSC declined to adopt the rule.

C.S.H.B. 1565 prohibits the TFSC from regulating a willed body program that is operated by an organization accredited by the AATB. However, such a program must still register with the TFSC. The bill requires the TFSC by rule to develop the registration process.

C.S.H.B. 1565 amends the Code of Criminal Procedure and Government Code to make conforming changes.

C.S.H.B. 1565 repeals the following provisions of the Health and Safety Code:

- Section 691.003;
- Section 691.004;
- Section 691.005;
- Section 691.006;
- Sections 691.007(a), (b), and (d);
- Sections 691.008(b) and (d);
- the headings to Sections 691.007 and 691.008; and
- Section 691.009.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1565 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute expands the scope of what constitutes a willed body program to include applicable programs operated by an organization accredited by the AATB. Accordingly, the substitute also does the following:

- expressly limits the TFSC's regulatory authority over willed body programs to those operated by institutions of higher education in Texas;
- prohibits the TFSC from regulating a willed body program that is operated by an organization accredited by the AATB;
- requires willed body programs operated by an AATB-accredited organization to register with the TFSC; and
- requires the TFSC by rule to adopt such a registration process.