

By: Zaffirini

S.B. No. 212

A BILL TO BE ENTITLED

AN ACT

relating to the making of an anatomical gift.

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

SECTION 1. Section 692A.005(b), Health and Safety Code, is amended to read as follows:

(b) A donor or other person authorized to make an anatomical gift under Section 692A.004 may make a gift by a donor card or other record signed by the donor or other person making the gift or by authorizing that a statement or symbol indicating the donor has made an anatomical gift be included on a donor registry. If the donor or other person is physically unable to sign a record, the record may be signed by another individual at the direction of the donor or other person and must:

(1) be witnessed by at least two adults, at least one of whom is a disinterested witness, who have signed at the request of the donor or the other person, or be acknowledged before a notary public; and

(2) state that the record has been signed and witnessed or acknowledged as provided in Subdivision (1).

SECTION 2. Section 692A.005(e), Health and Safety Code, is added to read as follows:

(e) An anatomical gift made through an online donor registry does not require any witnesses or the consent of any person. The online registration is a document of gift under this chapter and

1 remains binding after the donor's death unless amended or revoked
2 by the donor.

3 SECTION 3. Section 692A.006(b), Health and Safety Code, is
4 amended to read as follows:

5 (b) A record signed pursuant to Subsection (a)(1)(C) must:

6 (1) be witnessed by at least two adults, at least one
7 of whom is a disinterested witness, who have signed at the request
8 of the donor or the other person, or be acknowledged before a notary
9 public; and

10 (2) state that the record has been signed and
11 witnessed or acknowledged as provided in Subdivision (1).

12 SECTION 4. Section 692A.007(b), Health and Safety Code, is
13 amended to read as follows:

14 (b) A record signed pursuant to Subsection (a)(1)(B) must:

15 (1) be witnessed by at least two adults, at least one
16 of whom is a disinterested witness, who have signed at the request
17 of the individual, or be acknowledged before a notary public; and

18 (2) state that the record has been signed and
19 witnessed or acknowledged as provided in Subdivision (1).

20 SECTION 5. Chapter 692, Health and Safety Code, is
21 repealed.

22 SECTION 6. Sections 692A.005, 692A.006, and 692A.007,
23 Health and Safety Code, as amended by this Act, apply only to the
24 validity of a record executed on or after the effective date of this
25 Act. The validity of a record executed before the effective date of
26 this Act is governed by the law in effect on the date the record was
27 executed, and that law continues in effect for that purpose.

1 SECTION 7. (a) Except as otherwise provided in this
2 section, the changes in law made by this Act apply to:

3 (1) a record described by Section 692A.005, 692A.006,
4 or 692A.007, Health and Safety Code, as amended by this Act, created
5 before, on, or after the effective date of this Act; and

6 (2) a judicial proceeding concerning a record
7 described by Subdivision (1) of this subsection that:

8 (A) commences on or after the effective date of
9 this Act; or

10 (B) is pending on the effective date of this Act.

11 (b) If the court finds that application of a provision of
12 this Act would substantially interfere with the effective conduct
13 of a judicial proceeding concerning a record described by
14 Subsection (a)(1) of this section that is pending on the effective
15 date of this Act or prejudice the rights of a party to the
16 proceeding, the provision of this Act does not apply, and the law in
17 effect immediately before the effective date of this Act applies in
18 those circumstances.

19 SECTION 8. This Act takes effect September 1, 2021.