

SENATE AMENDMENTS

2nd Printing

By: Paddie

H.B. No. 1565

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the continuation and transfer of the regulation of
3 willed body programs to the Texas Funeral Service Commission and to
4 the creation of the State Anatomical Advisory Committee;
5 authorizing a fee.

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

7 ARTICLE 1. STATE ANATOMICAL ADVISORY COMMITTEE; TEXAS FUNERAL
8 SERVICE COMMISSION

9 SECTION 1.01. The heading to Chapter 691, Health and Safety
10 Code, is amended to read as follows:

11 CHAPTER 691. DONATION OF BODIES AND ANATOMICAL SPECIMENS

12 [~~ANATOMICAL BOARD OF THE STATE OF TEXAS~~]

13 SECTION 1.02. The heading to Subchapter A, Chapter 691,
14 Health and Safety Code, is amended to read as follows:

15 SUBCHAPTER A. GENERAL PROVISIONS; STATE [~~ORGANIZATION OF~~]

16 ANATOMICAL ADVISORY COMMITTEE [~~BOARD OF THE STATE OF TEXAS~~]

17 SECTION 1.03. Section 691.001, Health and Safety Code, is
18 amended by amending Subdivision (1) and adding Subdivisions (4) and
19 (5) to read as follows:

20 (1) "Advisory committee [~~Board~~]" means the State
21 Anatomical Advisory Committee [~~Board of the State of Texas~~].

22 (4) "Commission" means the Texas Funeral Service
23 Commission.

24 (5) "Willed body program" means a program operated at

1 an institution of higher education in this state and approved by the
2 commission or a program operated by an organization accredited by
3 the American Association of Tissue Banks that allows a living
4 individual to donate the individual's body or anatomical specimen
5 for educational or research purposes.

6 SECTION 1.04. Section 691.002, Health and Safety Code, is
7 amended to read as follows:

8 Sec. 691.002. ADVISORY COMMITTEE [~~COMPOSITION OF BOARD~~].

9 (a) The State Anatomical Advisory Committee is established to
10 advise the commission on matters related to the regulation and
11 operation of willed body programs in this state.

12 (b) The advisory committee is composed of representatives
13 appointed by the commission from institutions of higher education
14 that operate willed body programs [~~The Anatomical Board of the~~
15 ~~State of Texas is composed of one representative from each school or~~
16 ~~college of chiropractic, osteopathy, medicine, or dentistry~~
17 ~~incorporated in this state].~~

18 (c) Members of the advisory committee serve two-year terms
19 [~~(b) On March 1 of each odd-numbered year, the chief executive~~
20 ~~officer of each institution described by Subsection (a) shall~~
21 ~~appoint as the institution's representative on the board one~~
22 ~~professor of surgery or of basic anatomical sciences who is~~
23 ~~associated with the institution].~~

24 (d) [~~(c)~~] Appointments to the advisory committee [~~board~~]
25 shall be made without regard to the race, creed, sex, religion, or
26 national origin of the appointees.

27 (e) Sections 2110.002 and 2110.008, Government Code, do not

1 apply to the advisory committee.

2 SECTION 1.05. Section 691.007(c), Health and Safety Code,
3 is redesignated as Section 691.011, Health and Safety Code, and
4 amended to read as follows:

5 Sec. 691.011. RECORDS. [~~(c)~~] The commission [~~board~~] shall
6 keep identification records of each body donated to the commission
7 [~~board~~] and of each body or anatomical specimen distributed by the
8 commission [~~board~~].

9 SECTION 1.06. Section 691.008(a), Health and Safety Code,
10 is redesignated as Section 691.012, Health and Safety Code, and
11 amended to read as follows:

12 Sec. 691.012. FEES. [~~(a)~~] The commission [~~board~~] may set
13 and collect reasonable and necessary fees for:

14 (1) receiving and distributing bodies and anatomical
15 specimens; and

16 (2) conducting inspections of institutions or other
17 persons authorized to receive and use bodies or anatomical
18 specimens under this chapter.

19 SECTION 1.07. Section 691.010, Health and Safety Code, is
20 amended to read as follows:

21 Sec. 691.010. PUBLIC INFORMATION AND PARTICIPATION;
22 COMPLAINTS. (a) The commission [~~board~~] shall prepare information
23 of public interest describing the functions of the commission under
24 this chapter [~~board~~] and the commission's [~~board's~~] procedures by
25 which complaints are filed with and resolved by the commission
26 [~~board~~]. The commission [~~board~~] shall make the information
27 available to the public and appropriate state agencies.

1 (b) The commission [~~board~~] by rule shall establish methods
2 by which service recipients can be notified of the name, mailing
3 address, and telephone number of the commission [~~board~~] for the
4 purpose of directing complaints to the commission [~~board~~]. The
5 commission [~~board~~] may provide for that notification by including
6 the information on each written contract relating to bodies willed
7 or donated to an entity regulated by the commission [~~board~~] or
8 authorized by the commission [~~board~~] to receive bodies.

9 (c) The commission [~~board~~] shall keep an information file
10 about each complaint filed with the commission [~~board~~] relating to
11 its functions under this chapter. If a written complaint is filed
12 with the commission [~~board~~] relating to a person or an entity
13 regulated by the commission under this chapter [~~board~~], the
14 commission [~~board, at least as frequently as quarterly and until~~
15 ~~final disposition of the complaint,~~] shall periodically notify the
16 parties to the complaint of the status of the complaint until final
17 disposition unless notice would jeopardize an undercover
18 investigation.

19 (d) The commission [~~board~~] shall develop and implement
20 policies that provide the public with a reasonable opportunity to
21 appear before the commission [~~board~~] and to speak on any issue under
22 the jurisdiction of the commission [~~board~~].

23 SECTION 1.08. Section 691.022, Health and Safety Code, is
24 amended to read as follows:

25 Sec. 691.022. GENERAL DUTIES. (a) The commission [~~board~~]
26 shall distribute bodies and anatomical specimens to institutions of
27 higher education that operate willed body programs and other

1 institutions and persons authorized to receive a body or specimen
2 under this chapter [~~them~~].

3 (b) The commission [~~board~~] shall adopt rules to ensure that
4 each body and anatomical specimen is treated with respect while in
5 the custody of the commission [~~board~~] or an institution or person
6 authorized to receive the body or specimen, including an
7 institution of higher education that operates a willed body program
8 [~~represented on the board is treated with respect~~].

9 (c) The commission may not adopt a rule related to standards
10 of practice, ethics, qualifications, or disciplinary sanctions for
11 institutions or persons regulated under this chapter before
12 considering advice and recommendations from the advisory
13 committee.

14 (d) The commission shall adopt rules, establish procedures,
15 and prescribe forms necessary to administer and enforce this
16 chapter.

17 SECTION 1.09. Section 691.0225, Health and Safety Code, is
18 amended to read as follows:

19 Sec. 691.0225. INFORMATIONAL DOCUMENT. The commission
20 [~~board~~] shall develop a document to inform a person making a gift of
21 a decedent's body or anatomical specimen for purposes of education,
22 including forensic science education, or research of the risks and
23 benefits associated with donation. The commission [~~board~~] shall
24 make the document available on the commission's [~~board's~~] Internet
25 website.

26 SECTION 1.10. Section 691.023, Health and Safety Code, is
27 amended to read as follows:

1 Sec. 691.023. DUTY TO DELIVER CERTAIN BODIES TO COMMISSION
2 ~~[BOARD]~~. (a) An officer, employee, or representative of the state,
3 of a political subdivision, or of an institution having charge or
4 control of a body not claimed for burial or a body required to be
5 buried at public expense shall:

6 (1) notify the commission ~~[board]~~ or the commission's
7 ~~[board's]~~ representative of the body's existence when the body
8 comes into the person's possession, charge, or control if notified
9 in writing to do so by the commission ~~[board]~~ or the commission's
10 ~~[board's]~~ representative;

11 (2) deliver the body in accordance with the direction
12 of the commission ~~[board]~~; and

13 (3) allow the commission ~~[board]~~, the commission's
14 ~~[board's]~~ representative, or a physician designated by the
15 commission ~~[board]~~ who complies with this chapter to remove the
16 body to be used for the advancement of medical or forensic science.

17 (b) If the commission ~~[board]~~ does not require a political
18 subdivision or agency of the political subdivision to deliver a
19 body under this section, the political subdivision shall pay all
20 costs of preparation for burial, including costs of embalming.

21 SECTION 1.11. Section 691.025(c), Health and Safety Code,
22 is amended to read as follows:

23 (c) A body that is not claimed for burial within 48 hours
24 after a relative receives notification shall be delivered as soon
25 as possible to the commission ~~[board]~~ or the commission's ~~[board's]~~
26 representative.

27 SECTION 1.12. Section 691.026, Health and Safety Code, is

1 amended to read as follows:

2 Sec. 691.026. BODY OF TRAVELER. If an unclaimed body is the
3 body of a traveler who died suddenly, the commission [~~board~~] shall
4 direct the institution or other person receiving the body to retain
5 the body for six months for purposes of identification.

6 SECTION 1.13. Section 691.027, Health and Safety Code, is
7 amended to read as follows:

8 Sec. 691.027. AUTOPSY. Only the commission [~~board~~] may
9 grant permission to perform an autopsy on an unclaimed body. The
10 commission [~~board~~] may grant permission after receiving a specific
11 request for an autopsy that shows sufficient evidence of medical
12 urgency.

13 SECTION 1.14. Section 691.028(a), Health and Safety Code,
14 is amended to read as follows:

15 (a) An adult living in this state who is of sound mind may
16 donate the adult's body by will or other written instrument to the
17 commission [~~board~~], a medical or dental school, or another donee
18 authorized by the commission [~~board~~] to be used for the
19 advancement of medical or forensic science.

20 SECTION 1.15. Section 691.029, Health and Safety Code, is
21 amended to read as follows:

22 Sec. 691.029. AUTHORITY TO ACCEPT BODIES FROM OUTSIDE THE
23 STATE. The commission [~~board~~] may receive a body transported to the
24 commission [~~board~~] from outside this state.

25 SECTION 1.16. Section 691.030, Health and Safety Code, is
26 amended to read as follows:

27 Sec. 691.030. COMMISSION'S [~~BOARD'S~~] AUTHORITY TO

1 DISTRIBUTE BODIES AND ANATOMICAL SPECIMENS. (a) The commission
2 [~~board~~] or the commission's [~~board's~~] representative shall
3 distribute bodies donated to it and may redistribute bodies donated
4 to medical or dental schools or other donees authorized by the
5 commission [~~board~~] to:

6 (1) schools and colleges of chiropractic, osteopathy,
7 medicine, or dentistry incorporated in this state;

8 (2) forensic science programs;

9 (3) search and rescue organizations or recovery teams
10 that are recognized by the commission [~~board~~], are exempt from
11 federal taxation under Section 501(c)(3), Internal Revenue Code of
12 1986, and use human remains detection canines with the
13 authorization of a local or county law enforcement agency;

14 (4) physicians; and

15 (5) other persons as provided by this section.

16 (b) In making the distribution, the commission [~~board~~]
17 shall give priority to the schools and colleges that need bodies for
18 lectures and demonstrations.

19 (c) If the commission [~~board~~] has remaining bodies, the
20 commission [~~board~~] or the commission's [~~board's~~] representative
21 shall distribute or redistribute those bodies to the schools and
22 colleges proportionately and equitably according to the number of
23 students in each school or college receiving instruction or
24 demonstration in normal or morbid anatomy and operative surgery.
25 The dean of each school or college shall certify that number to the
26 commission [~~board~~] when required by the commission [~~board~~].

27 (d) The commission [~~board~~] may transport a body or

1 anatomical specimen to an authorized recipient in another state if
2 the commission [~~board~~] determines that the supply of bodies or
3 anatomical specimens in this state exceeds the need for bodies or
4 anatomical specimens in this state and if:

5 (1) the deceased donated the deceased's [~~his~~] body in
6 compliance with Section 691.028 and at the time of the donation
7 authorized the commission [~~board~~] to transport the body outside
8 this state; or

9 (2) the body was donated in compliance with Chapter
10 692A and the person authorized to make the donation under Section
11 692A.009 authorized the commission [~~board~~] to transport the body
12 outside this state.

13 SECTION 1.17. Sections 691.031(a), (b), and (f), Health and
14 Safety Code, are amended to read as follows:

15 (a) The commission [~~board~~] shall adopt rules to ensure that:

16 (1) each body or anatomical specimen received or
17 distributed by the commission [~~board~~] is properly transported;

18 (2) a label with the statement "CONTENTS DERIVED FROM
19 DONATED HUMAN TISSUE" is affixed to the container in which the body
20 or anatomical specimen is transported; and

21 (3) each person who has control or possession of a body
22 or anatomical specimen:

23 (A) satisfactorily completes the information
24 required on a chain-of-custody form prescribed by the commission
25 [~~board~~];

26 (B) maintains a copy of the form for the person's
27 records; and

1 (C) transfers the form to any other person to
2 whom control or possession of the body or anatomical specimen is
3 transferred.

4 (b) The commission [~~board~~] may employ a public carrier to
5 transport bodies or anatomical specimens received or distributed by
6 the commission [~~board~~].

7 (f) The sender and receiver of each body or anatomical
8 specimen shall file the records required under this section in
9 accordance with commission [~~board~~] rules so that the commission
10 [~~board~~] or a district or county attorney may inspect the records at
11 any time.

12 SECTION 1.18. Section 691.032, Health and Safety Code, is
13 amended to read as follows:

14 Sec. 691.032. COSTS OF DISTRIBUTION. A person or
15 institution receiving a body or anatomical specimen under this
16 chapter shall pay in a manner specified by the commission [~~board~~],
17 or as otherwise agreed on, all costs incurred in distributing the
18 body or anatomical specimen so that the state, a county, a
19 municipality, or an officer, employee, or representative of the
20 state, a county, or a municipality does not incur any expense.

21 SECTION 1.19. Sections 691.033(a), (b), and (d), Health and
22 Safety Code, are amended to read as follows:

23 (a) To further medical or forensic science, a school,
24 college, or person designated by the commission [~~board~~] may use,
25 dissect, operate on, examine, and experiment on a body or
26 anatomical specimen distributed under this chapter.

27 (b) A school, college, or person shall keep a permanent

1 record of each body or anatomical specimen received from the
2 commission [~~board~~] or the commission's [~~board's~~] representative.
3 The record must be sufficient to identify the body or anatomical
4 specimen and may be inspected by the commission [~~board~~] or the
5 commission's [~~board's~~] representative.

6 (d) To aid prosecutions under Section 42.08, Penal Code, the
7 commission [~~board~~] shall adopt rules that clearly state the
8 activities that are authorized by the commission [~~board~~] in
9 relation to the use or dissection of a body.

10 SECTION 1.20. Section 691.034, Health and Safety Code, is
11 amended to read as follows:

12 Sec. 691.034. REGULATION OF PERSONS AND INSTITUTIONS USING
13 BODIES AND ANATOMICAL SPECIMENS. (a) The commission [~~board~~] shall
14 inspect and may approve institutions and other persons for the
15 receipt and use of bodies and anatomical specimens under this
16 chapter.

17 (a-1) Notwithstanding any other law, and except as provided
18 by Section 691.0341, the commission may not regulate a willed body
19 program that is operated by an organization accredited by the
20 American Association of Tissue Banks.

21 (b) The commission [~~board~~] may investigate a person or
22 institution if the commission [~~board~~] has reason to believe that
23 the person or institution has improperly used a body or anatomical
24 specimen.

25 (c) The commission [~~board~~] may suspend or revoke a person's
26 or institution's authorization to receive and use or dissect bodies
27 or anatomical specimens if the commission [~~board~~] determines that

1 the person or institution has improperly used a body or anatomical
2 specimen.

3 (d) A person or institution is entitled to a hearing before
4 the commission [~~board~~] or a hearing examiner appointed by the
5 commission [~~board~~] before the commission [~~board~~] may revoke the
6 person's or institution's authorization to receive and use or
7 dissect bodies or anatomical specimens. The commission [~~board~~]
8 shall make all final decisions to suspend or revoke an
9 authorization.

10 SECTION 1.21. Subchapter B, Chapter 691, Health and Safety
11 Code, is amended by adding Section 691.0341 to read as follows:

12 Sec. 691.0341. REQUIRED REGISTRATION OF CERTAIN WILLED BODY
13 PROGRAMS. (a) A willed body program that is operated by an
14 organization accredited by the American Association of Tissue Banks
15 shall register with the commission.

16 (b) The commission by rule shall develop a process for a
17 willed body program described by Subsection (a) to register with
18 the commission.

19 SECTION 1.22. Subchapter A, Chapter 651, Occupations Code,
20 is amended by adding Section 651.005 to read as follows:

21 Sec. 651.005. REGULATION OF WILLED BODY PROGRAMS. The
22 commission shall regulate willed body programs operated at an
23 institution of higher education in this state as provided by
24 Chapter 691, Health and Safety Code, and in accordance with the
25 powers and duties granted by this chapter to the extent necessary to
26 regulate the programs under that chapter.

27 SECTION 1.23. The following provisions of the Health and

1 Safety Code are repealed:

- 2 (1) Section 691.003;
- 3 (2) Section 691.004;
- 4 (3) Section 691.005;
- 5 (4) Section 691.006;
- 6 (5) Sections 691.007(a), (b), and (d);
- 7 (6) Sections 691.008(b) and (d);
- 8 (7) the headings to Sections 691.007 and 691.008; and
- 9 (8) Section 691.009.

10 ARTICLE 2. CONFORMING AMENDMENTS

11 SECTION 2.01. Article 43.25, Code of Criminal Procedure, is
12 amended to read as follows:

13 Art. 43.25. BODY OF CONVICT. The body of a convict who has
14 been legally executed shall be embalmed immediately and so directed
15 by the Director of the correctional institutions division of the
16 Texas Department of Criminal Justice [~~Department of Corrections~~].
17 If the body is not demanded or requested by a relative or bona fide
18 friend within forty-eight hours after execution then it shall be
19 delivered to the Texas Funeral Service Commission [~~Anatomical Board~~
20 ~~of the State of Texas~~], if requested by the commission [~~Board~~]. If
21 the body is requested by a relative, a bona fide friend, or the
22 Texas Funeral Service Commission [~~Anatomical Board of the State of~~
23 ~~Texas~~], such recipient shall pay a fee [~~of~~] not to exceed
24 twenty-five dollars to the mortician for the mortician's [~~his~~]
25 services in embalming the body for which the mortician shall issue
26 to the recipient a written receipt. When such receipt is delivered
27 to the Director of the correctional institutions division of the

1 Texas Department of Criminal Justice [~~Department of Corrections~~],
2 the body of the deceased shall be delivered to the party named in
3 the receipt or the party's [~~his~~] authorized agent. If the body is
4 not delivered to a relative, a bona fide friend, or the Texas
5 Funeral Service Commission [~~Anatomical Board of the State of~~
6 ~~Texas~~], the Director of the correctional institutions division of
7 the Texas Department of Criminal Justice [~~Department of~~
8 ~~Corrections~~] shall cause the body to be decently buried, and the fee
9 for embalming shall be paid by the county in which the indictment
10 which resulted in conviction was found.

11 SECTION 2.02. Section 404.093(b), Government Code, is
12 amended to read as follows:

13 (b) This subchapter does not apply to:

14 (1) funds pledged to the payment of bonds, notes, or
15 other debts if the funds are not otherwise required to be deposited
16 in the treasury;

17 (2) funds held in trust or escrow for the benefit of a
18 person or entity other than a state agency;

19 (3) funds set apart out of earnings derived from
20 investment of funds held in trust for others, as administrative
21 expenses of the trustee agency; or

22 (4) funds, grants, donations, and proceeds from funds,
23 grants, and donations, given in trust to the Texas State Library and
24 Archives Commission for the establishment and maintenance of
25 regional historical resource depositories and libraries in
26 accordance with Section 441.154[~~, or~~

27 [~~(5) funds under the management of the~~

1 ~~secretary-treasurer of the Anatomical Board of the State of Texas,~~
2 ~~as provided by Section 691.008, Health and Safety Code].~~

3 SECTION 2.03. Sections 692A.011(a), (b), and (c), Health and
4 Safety Code, are amended to read as follows:

5 (a) An anatomical gift may be made to the following persons
6 named in the document of gift:

7 (1) an organ procurement organization to be used for
8 transplantation, therapy, research, or education;

9 (2) a hospital to be used for research;

10 (3) subject to Subsection (d), an individual
11 designated by the person making the anatomical gift if the
12 individual is the recipient of the part;

13 (4) an eye bank or tissue bank, except that use of a
14 gift of a whole body to a tissue bank that is not accredited by the
15 American Association of Tissue Banks must be coordinated through
16 the Texas Funeral Service Commission [~~Anatomical Board of the State~~
17 ~~of Texas~~];

18 (5) a forensic science program at:

19 (A) a general academic teaching institution as
20 defined by Section 61.003, Education Code; or

21 (B) a private or independent institution of
22 higher education as defined by Section 61.003, Education Code;

23 (6) a search and rescue organization or recovery team
24 that is recognized by the Texas Funeral Service Commission
25 [~~Anatomical Board of the State of Texas~~], is exempt from federal
26 taxation under Section 501(c)(3), Internal Revenue Code of 1986,
27 and uses human remains detection canines with the authorization of

1 a local or county law enforcement agency; or

2 (7) the Texas Funeral Service Commission [~~Anatomical~~
3 ~~Board of the State of Texas~~].

4 (b) Except for donations described by Subsections (a)(1)
5 through (6), the Texas Funeral Service Commission [~~Anatomical Board~~
6 ~~of the State of Texas~~] shall be the donee of gifts of bodies or parts
7 of bodies made for the purpose of education or research that are
8 subject to distribution by the commission [~~board~~] under Chapter
9 691.

10 (c) A forensic science program that receives a donation
11 under Subsection (a)(5) must submit a report to the Texas Funeral
12 Service Commission [~~Anatomical Board of the State of Texas~~] on a
13 quarterly basis that lists:

14 (1) the number of bodies or parts of bodies that the
15 program received; and

16 (2) the method in which the program used the bodies or
17 parts of bodies for education or research.

18 ARTICLE 3. TRANSITIONS AND EFFECTIVE DATE

19 SECTION 3.01. (a) The Anatomical Board of the State of Texas
20 is abolished but continues in existence until September 1, 2022,
21 for the sole purpose of transferring obligations, property, rights,
22 powers, and duties to the Texas Funeral Service Commission. The
23 Texas Funeral Service Commission assumes all of the obligations,
24 property, rights, powers, and duties of the Anatomical Board of the
25 State of Texas as they exist immediately before the effective date
26 of this Act. All unexpended and unobligated funds under the
27 management of the secretary-treasurer of the Anatomical Board of

1 the State of Texas, as provided by Section 691.008, Health and
2 Safety Code, as that section existed immediately before the
3 effective date of this Act, are transferred to the general revenue
4 fund for the purpose of the Texas Funeral Service Commission
5 administering duties under Chapter 691, Health and Safety Code, as
6 amended by this Act.

7 (b) The Anatomical Board of the State of Texas and the Texas
8 Funeral Service Commission shall, in consultation with appropriate
9 state entities, ensure that the transfer of the obligations,
10 property, rights, powers, and duties of the Anatomical Board of the
11 State of Texas to the Texas Funeral Service Commission is completed
12 not later than September 1, 2022.

13 (c) All rules of the Anatomical Board of the State of Texas
14 are continued in effect as rules of the Texas Funeral Service
15 Commission until superseded by a rule of the Texas Funeral Service
16 Commission. An authorization issued by the Anatomical Board of the
17 State of Texas is continued in effect as provided by the law in
18 effect immediately before the effective date of this Act. An
19 authorization pending on the effective date of this Act is
20 continued without change in status after the effective date of this
21 Act. A complaint, investigation, or other proceeding pending on the
22 effective date of this Act is continued without change in status
23 after the effective date of this Act.

24 (d) Unless the context indicates otherwise, a reference to
25 the Anatomical Board of the State of Texas in a law or
26 administrative rule means the Texas Funeral Service Commission.

27 SECTION 3.02. (a) Not later than the 60th day after the

1 effective date of this Act, the Texas Funeral Service Commission
2 shall appoint members to the State Anatomical Advisory Committee in
3 accordance with Section 691.002, Health and Safety Code, as amended
4 by this Act.

5 (b) The members of the Anatomical Board of the State of
6 Texas whose terms expire under Section 3.01 of this Act shall
7 continue to provide advice to the Texas Funeral Service Commission
8 until a majority of the members of the State Anatomical Advisory
9 Committee are appointed under Subsection (a) of this section and
10 qualified. A member of the Anatomical Board of the State of Texas
11 described by this subsection may be appointed to the State
12 Anatomical Advisory Committee if the member is otherwise eligible
13 for appointment under Section 691.002, Health and Safety Code, as
14 amended by this Act.

15 SECTION 3.03. This Act takes effect September 1, 2021.

ADOPTED

MAY 21 2021

Latey
Secretary of the Senate

By: Padlic / Buckingham

H.B. No. 1565

Substitute the following for __.B. No. _____:

By: Kelly Harmon

C.S.H.B. No. 1565

A BILL TO BE ENTITLED

1

AN ACT

2 relating to the continuation and transfer of the regulation of
3 willed body programs to the Texas Funeral Service Commission, the
4 regulation of willed body programs and non-transplant anatomical
5 donation organizations, and the creation of the State Anatomical
6 Advisory Committee; authorizing a fee.

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

8 ARTICLE 1. STATE ANATOMICAL ADVISORY COMMITTEE; TEXAS FUNERAL
9 SERVICE COMMISSION

10 SECTION 1.01. The heading to Chapter 691, Health and Safety
11 Code, is amended to read as follows:

12 CHAPTER 691. DONATION OF BODIES AND ANATOMICAL SPECIMENS

13 [~~ANATOMICAL BOARD OF THE STATE OF TEXAS~~]

14 SECTION 1.02. The heading to Subchapter A, Chapter 691,
15 Health and Safety Code, is amended to read as follows:

16 SUBCHAPTER A. GENERAL PROVISIONS; STATE [~~ORGANIZATION OF~~]

17 ANATOMICAL ADVISORY COMMITTEE [~~BOARD OF THE STATE OF TEXAS~~]

18 SECTION 1.03. Section 691.001, Health and Safety Code, is
19 amended by amending Subdivision (1) and adding Subdivisions (4),
20 (5), and (6) to read as follows:

21 (1) "Advisory committee [~~Board~~]" means the State
22 Anatomical Advisory Committee [~~Board of the State of Texas~~].

23 (4) "Commission" means the Texas Funeral Service
24 Commission.

1 (5) "Non-transplant anatomical donation organization"
2 means a person licensed, accredited, or regulated under federal or
3 state law to engage in the recovery, screening, testing,
4 processing, storage, or distribution of tissue or human remains for
5 any purpose other than transplantation into a living individual.

6 (6) "Willed body program" means a program operated at
7 an institution of higher education in this state and approved by the
8 commission that allows a living individual to donate the
9 individual's body or anatomical specimen for educational or
10 research purposes.

11 SECTION 1.04. Section 691.002, Health and Safety Code, is
12 amended to read as follows:

13 Sec. 691.002. ADVISORY COMMITTEE [~~COMPOSITION OF BOARD~~].

14 (a) The State Anatomical Advisory Committee is established to
15 advise the commission on matters related to the regulation and
16 operation of willed body programs and non-transplant anatomical
17 donation organizations in this state.

18 (b) The advisory committee is composed of representatives
19 appointed by the commission from institutions of higher education
20 that operate willed body programs and at least one non-transplant
21 anatomical donation organization. The majority of the members of
22 the advisory committee must be representatives from institutions of
23 higher education that operate willed body programs [~~The Anatomical~~
24 ~~Board of the State of Texas is composed of one representative from~~
25 ~~each school or college of chiropractic, osteopathy, medicine, or~~
26 ~~dentistry incorporated in this state].~~

27 (c) Members of the advisory committee serve two-year terms

1 [~~(b)~~ On March 1 of each odd-numbered year, the chief executive
2 officer of each institution described by Subsection (a) shall
3 appoint as the institution's representative on the board one
4 professor of surgery or of basic anatomical sciences who is
5 associated with the institution].

6 (d) [~~(c)~~] Appointments to the advisory committee [~~board~~]
7 shall be made without regard to the race, creed, sex, religion, or
8 national origin of the appointees.

9 (e) Sections 2110.002 and 2110.008, Government Code, do not
10 apply to the advisory committee.

11 SECTION 1.05. Section 691.007(c), Health and Safety Code,
12 is redesignated as Section 691.011, Health and Safety Code, and
13 amended to read as follows:

14 Sec. 691.011. RECORDS. [~~(c)~~] The commission [~~board~~] shall
15 keep identification records of each body donated to the commission
16 [~~board~~] and of each body or anatomical specimen distributed by the
17 commission [~~board~~].

18 SECTION 1.06. Section 691.008(a), Health and Safety Code,
19 is redesignated as Section 691.012, Health and Safety Code, and
20 amended to read as follows:

21 Sec. 691.012. FEES. [~~(a)~~] The commission [~~board~~] may set
22 and collect reasonable and necessary fees for the cost of
23 administering this chapter, including:

24 (1) receiving and distributing bodies and anatomical
25 specimens;

26 (2) transferring bodies and anatomical specimens
27 between institutions, organizations, or other persons authorized

1 to transfer or receive bodies or anatomical specimens under this
2 chapter; and
3 (3) conducting inspections of institutions,
4 organizations, or other persons authorized to receive and use
5 bodies or anatomical specimens under this chapter.

6 SECTION 1.07. Section 691.010, Health and Safety Code, is
7 amended to read as follows:

8 Sec. 691.010. PUBLIC INFORMATION AND PARTICIPATION;
9 COMPLAINTS. (a) The commission [~~board~~] shall prepare information
10 of public interest describing the functions of the commission under
11 this chapter [~~board~~] and the commission's [~~board's~~] procedures by
12 which complaints are filed with and resolved by the commission
13 [~~board~~]. The commission [~~board~~] shall make the information
14 available to the public and appropriate state agencies.

15 (b) The commission [~~board~~] by rule shall establish methods
16 by which service recipients can be notified of the name, mailing
17 address, and telephone number of the commission [~~board~~] for the
18 purpose of directing complaints to the commission [~~board~~]. The
19 commission [~~board~~] may provide for that notification by including
20 the information on each written contract relating to bodies willed
21 or donated to an entity regulated by the commission [~~board~~] or
22 authorized by the commission [~~board~~] to receive bodies.

23 (c) The commission [~~board~~] shall keep an information file
24 about each complaint filed with the commission [~~board~~] relating to
25 its functions under this chapter. If a written complaint is filed
26 with the commission [~~board~~] relating to a person or an entity
27 regulated by the commission under this chapter [~~board~~], the

1 commission [~~board, at least as frequently as quarterly and until~~
2 ~~final disposition of the complaint,~~] shall periodically notify the
3 parties to the complaint of the status of the complaint until final
4 disposition unless notice would jeopardize an undercover
5 investigation.

6 (d) The commission [~~board~~] shall develop and implement
7 policies that provide the public with a reasonable opportunity to
8 appear before the commission [~~board~~] and to speak on any issue under
9 the jurisdiction of the commission [~~board~~].

10 SECTION 1.08. Section 691.022, Health and Safety Code, is
11 amended to read as follows:

12 Sec. 691.022. GENERAL DUTIES. (a) The commission [~~board~~]
13 shall distribute bodies and anatomical specimens to institutions of
14 higher education that operate willed body programs and other
15 institutions and persons authorized to receive a body or specimen
16 under this chapter [~~them~~].

17 (b) The commission [~~board~~] shall adopt rules to ensure that
18 each body and anatomical specimen is treated with respect while in
19 the custody of the commission [~~board~~] or an institution or person
20 authorized to receive the body or specimen, including an
21 institution of higher education that operates a willed body program
22 and a non-transplant anatomical donation organization [~~represented~~
23 ~~on the board is treated with respect~~].

24 (c) Except as provided by Subsection (d), the commission may
25 not adopt a rule related to standards of practice, ethics,
26 qualifications, or disciplinary sanctions for institutions or
27 persons regulated under this chapter unless the advisory committee

1 first proposes the rule and the proposed rule is authorized by this
2 chapter. The commission may not modify a rule described by this
3 subsection that is proposed by the advisory committee. If the
4 commission declines to adopt a rule proposed by the advisory
5 committee, the commission shall return the rule to the advisory
6 committee with an explanation of the reasons the commission
7 declined to adopt the rule.

8 (d) The commission may, but is not required to, coordinate
9 with the advisory committee to adopt rules regarding non-transplant
10 anatomical donation organizations.

11 (e) The commission shall adopt rules, establish procedures,
12 and prescribe forms necessary to administer and enforce this
13 chapter.

14 SECTION 1.09. Section 691.0225, Health and Safety Code, is
15 amended to read as follows:

16 \ Sec. 691.0225. INFORMATIONAL DOCUMENT. The commission
17 [~~board~~] shall develop a document to inform a person making a gift of
18 a decedent's body or anatomical specimen for purposes of education,
19 including forensic science education, or research of the risks and
20 benefits associated with donation. The commission [~~board~~] shall
21 make the document available on the commission's [~~board's~~] Internet
22 website.

23 SECTION 1.10. Section 691.023, Health and Safety Code, is
24 amended to read as follows:

25 Sec. 691.023. DUTY TO DELIVER CERTAIN BODIES TO COMMISSION
26 [~~BOARD~~]. (a) An officer, employee, or representative of the state,
27 of a political subdivision, or of an institution having charge or

1 control of a body not claimed for burial or a body required to be
2 buried at public expense shall:

3 (1) notify the commission [~~board~~] or the commission's
4 [~~board's~~] representative of the body's existence when the body
5 comes into the person's possession, charge, or control if notified
6 in writing to do so by the commission [~~board~~] or the commission's
7 [~~board's~~] representative;

8 (2) deliver the body in accordance with the direction
9 of the commission [~~board~~]; and

10 (3) allow the commission [~~board~~], the commission's
11 [~~board's~~] representative, or a physician designated by the
12 commission [~~board~~] who complies with this chapter to remove the
13 body to be used for the advancement of medical or forensic science.

14 (b) If the commission [~~board~~] does not require a political
15 subdivision or agency of the political subdivision to deliver a
16 body under this section, the political subdivision shall pay all
17 costs of preparation for burial, including costs of embalming.

18 SECTION 1.11. Section 691.025(c), Health and Safety Code,
19 is amended to read as follows:

20 (c) A body that is not claimed for burial within 48 hours
21 after a relative receives notification shall be delivered as soon
22 as possible to the commission [~~board~~] or the commission's [~~board's~~]
23 representative.

24 SECTION 1.12. Section 691.026, Health and Safety Code, is
25 amended to read as follows:

26 Sec. 691.026. BODY OF TRAVELER. If an unclaimed body is the
27 body of a traveler who died suddenly, the commission [~~board~~] shall

1 direct the institution or other person receiving the body to retain
2 the body for six months for purposes of identification.

3 SECTION 1.13. Section 691.027, Health and Safety Code, is
4 amended to read as follows:

5 Sec. 691.027. AUTOPSY. Only the commission [~~board~~] may
6 grant permission to perform an autopsy on an unclaimed body. The
7 commission [~~board~~] may grant permission after receiving a specific
8 request for an autopsy that shows sufficient evidence of medical
9 urgency.

10 SECTION 1.14. Section 691.028(a), Health and Safety Code,
11 is amended to read as follows:

12 (a) An adult living in this state who is of sound mind may
13 donate the adult's body by will or other written instrument to the
14 commission [~~board~~], a medical or dental school, a non-transplant
15 anatomical donation organization, or another donee authorized by
16 the commission [~~board~~] to be used for the advancement of medical or
17 forensic science.

18 SECTION 1.15. Section 691.029, Health and Safety Code, is
19 amended to read as follows:

20 Sec. 691.029. AUTHORITY TO RECEIVE, DISTRIBUTE, AND
21 TRANSFER [~~ACCEPT~~] BODIES OR ANATOMICAL SPECIMENS [~~FROM OUTSIDE THE~~
22 ~~STATE~~]. The commission [~~board~~] may receive, distribute, and
23 transfer a body or anatomical specimen from inside or [~~a body~~
24 ~~transported to the board from~~] outside this state.

25 SECTION 1.16. Section 691.030, Health and Safety Code, is
26 amended to read as follows:

27 Sec. 691.030. COMMISSION'S [~~BOARD'S~~] AUTHORITY TO

1 DISTRIBUTE BODIES AND ANATOMICAL SPECIMENS. (a) The commission
2 [~~board~~] or the commission's [~~board's~~] representative shall
3 distribute bodies donated to it and may redistribute bodies donated
4 to medical or dental schools or other donees authorized by the
5 commission [~~board~~] to:

6 (1) schools and colleges of chiropractic, osteopathy,
7 medicine, or dentistry incorporated in this state;

8 (2) forensic science programs;

9 (3) search and rescue organizations or recovery teams
10 that are recognized by the commission [~~board~~], are exempt from
11 federal taxation under Section 501(c)(3), Internal Revenue Code of
12 1986, and use human remains detection canines with the
13 authorization of a local or county law enforcement agency;

14 (4) physicians; and

15 (5) other persons as provided by this section.

16 (b) In making the distribution, the commission [~~board~~]
17 shall give priority to the schools and colleges that need bodies for
18 lectures, labs, and demonstrations.

19 (c) If the commission [~~board~~] has remaining bodies, the
20 commission [~~board~~] or the commission's [~~board's~~] representative
21 shall distribute or redistribute those bodies to the schools and
22 colleges proportionately and equitably according to the number of
23 students in each school or college receiving instruction or
24 demonstration in normal or morbid anatomy and operative surgery.
25 The president of each university or dean of each school or college
26 shall certify that number to the commission [~~board~~] when required
27 by the commission [~~board~~].

1 (d) The commission [~~board~~] may transport a body or
2 anatomical specimen to an authorized recipient in another state if
3 the commission [~~board~~] determines that the supply of bodies or
4 anatomical specimens in this state exceeds the need for bodies or
5 anatomical specimens in this state and if:

6 (1) the deceased donated the deceased's [~~his~~] body in
7 compliance with Section 691.028 and at the time of the donation
8 authorized the commission [~~board~~] to transport the body outside
9 this state; or

10 (2) the body was donated in compliance with Chapter
11 692A and the person authorized to make the donation under Section
12 692A.009 authorized the commission [~~board~~] to transport the body
13 outside this state.

14 (e) This section does not apply to a body donated to a
15 non-transplant anatomical donation organization.

16 SECTION 1.17. Sections 691.031(a), (b), and (f), Health and
17 Safety Code, are amended to read as follows:

18 (a) The commission [~~board~~] shall adopt rules to ensure that:

19 (1) each body or anatomical specimen received or
20 distributed under this chapter [~~by the board~~] is properly
21 transported;

22 (2) a label with the statement "CONTENTS DERIVED FROM
23 DONATED HUMAN TISSUE" is affixed to the container in which the body
24 or anatomical specimen is transported; and

25 (3) each person who has control or possession of a body
26 or anatomical specimen:

27 (A) satisfactorily completes the information

1 required on a chain-of-custody form prescribed by the commission
2 [~~board~~];

3 (B) maintains a copy of the form for the person's
4 records; and

5 (C) transfers the form to any other person to
6 whom control or possession of the body or anatomical specimen is
7 transferred.

8 (b) The commission [~~board~~] may employ a public carrier to
9 transport bodies or anatomical specimens received or distributed by
10 the commission [~~board~~].

11 (f) The sender and receiver of each body or anatomical
12 specimen shall file the records required under this section in
13 accordance with commission [~~board~~] rules so that the commission
14 [~~board~~] or a district or county attorney may inspect the records at
15 any time.

16 SECTION 1.18. Section 691.032, Health and Safety Code, is
17 amended to read as follows:

18 Sec. 691.032. COSTS OF DISTRIBUTION. A person or
19 institution receiving a body or anatomical specimen under this
20 chapter shall pay in a manner specified by the commission [~~board~~],
21 or as otherwise agreed on, all costs incurred in distributing the
22 body or anatomical specimen so that the state, a county, a
23 municipality, or an officer, employee, or representative of the
24 state, a county, or a municipality does not incur any expense.

25 SECTION 1.19. Sections 691.033(a), (b), and (d), Health and
26 Safety Code, are amended to read as follows:

27 (a) To further medical or forensic science, a willed body

1 program, non-transplant anatomical donation organization, [school,
2 college,] or other person designated by the commission [~~board~~] may
3 use, dissect, operate on, examine, and experiment on a body or
4 anatomical specimen distributed under this chapter.

5 (b) A willed body program, non-transplant anatomical
6 donation organization, [school, college,] or other person shall
7 keep a permanent record of each body or anatomical specimen
8 received from the commission [~~board~~] or the commission's [~~board's~~]
9 representative. The record must be sufficient to identify the body
10 or anatomical specimen and may be inspected by the commission
11 [~~board~~] or the commission's [~~board's~~] representative.

12 (d) To aid prosecutions under Section 42.08, Penal Code, the
13 commission [~~board~~] shall adopt rules that clearly state the
14 activities that are authorized by the commission [~~board~~] in
15 relation to the use or dissection of a body.

16 SECTION 1.20. Section 691.034, Health and Safety Code, is
17 amended to read as follows:

18 Sec. 691.034. REGULATION OF PERSONS AND INSTITUTIONS USING
19 BODIES AND ANATOMICAL SPECIMENS. (a) The commission [~~board~~] shall
20 inspect and may approve willed body programs, non-transplant
21 anatomical donation organizations, [institutions] and other
22 persons for the receipt and use of bodies and anatomical specimens
23 under this chapter.

24 (b) The commission [~~board~~] may investigate a willed body
25 program, non-transplant anatomical donation organization, or other
26 person [~~or institution~~] if the commission [~~board~~] has reason to
27 believe that the program, organization, or person [~~or institution~~]

1 has improperly used a body or anatomical specimen.

2 (c) The commission [~~board~~] may suspend or revoke a willed
3 body program's, non-transplant anatomical donation organization's,
4 or other person's [~~or institution's~~] authorization to receive and
5 use or dissect bodies or anatomical specimens if the commission
6 [~~board~~] determines that the program, organization, or person [~~or~~
7 ~~institution~~] has improperly used a body or anatomical specimen.

8 (d) A willed body program, non-transplant anatomical
9 donation organization, or other person [~~or institution~~] is entitled
10 to a hearing before the commission [~~board~~] or a hearing examiner
11 appointed by the commission [~~board~~] before the commission [~~board~~]
12 may revoke the program's, organization's, or person's [~~or~~
13 ~~institution's~~] authorization to receive and use or dissect bodies
14 or anatomical specimens. The commission [~~board~~] shall make all
15 final decisions to suspend or revoke an authorization.

16 SECTION 1.21. Subchapter A, Chapter 651, Occupations Code,
17 is amended by adding Section 651.005 to read as follows:

18 Sec. 651.005. REGULATION OF WILLED BODY PROGRAMS AND
19 NON-TRANSPLANT ANATOMICAL DONATION ORGANIZATIONS. The commission
20 shall regulate willed body programs and non-transplant anatomical
21 donation organizations as provided by Chapter 691, Health and
22 Safety Code, and in accordance with the powers and duties granted by
23 this chapter to the extent necessary to regulate the programs under
24 that chapter.

25 SECTION 1.22. The following provisions of the Health and
26 Safety Code are repealed:

27 (1) Section 691.003;

- 1 (2) Section 691.004;
- 2 (3) Section 691.005;
- 3 (4) Section 691.006;
- 4 (5) Sections 691.007(a), (b), and (d);
- 5 (6) Sections 691.008(b) and (d);
- 6 (7) the headings to Sections 691.007 and 691.008; and
- 7 (8) Section 691.009.

8 ARTICLE 2. CONFORMING AMENDMENTS

9 SECTION 2.01. Article 43.25, Code of Criminal Procedure, is
10 amended to read as follows:

11 Art. 43.25. BODY OF CONVICT. The body of a convict who has
12 been legally executed shall be embalmed immediately and so directed
13 by the Director of the correctional institutions division of the
14 Texas Department of Criminal Justice [~~Department of Corrections~~].
15 If the body is not demanded or requested by a relative or bona fide
16 friend within forty-eight hours after execution then it shall be
17 delivered to the Texas Funeral Service Commission [~~Anatomical Board~~
18 ~~of the State of Texas~~], if requested by the commission [~~Board~~]. If
19 the body is requested by a relative, a bona fide friend, or the
20 Texas Funeral Service Commission [~~Anatomical Board of the State of~~
21 ~~Texas~~], such recipient shall pay a fee [~~of~~] not to exceed
22 twenty-five dollars to the mortician for the mortician's [~~his~~]
23 services in embalming the body for which the mortician shall issue
24 to the recipient a written receipt. When such receipt is delivered
25 to the Director of the correctional institutions division of the
26 Texas Department of Criminal Justice [~~Department of Corrections~~],
27 the body of the deceased shall be delivered to the party named in

1 the receipt or the party's [~~his~~] authorized agent. If the body is
2 not delivered to a relative, a bona fide friend, or the Texas
3 Funeral Service Commission [~~Anatomical Board of the State of~~
4 ~~Texas~~], the Director of the correctional institutions division of
5 the Texas Department of Criminal Justice [~~Department of~~
6 ~~Corrections~~] shall cause the body to be decently buried, and the fee
7 for embalming shall be paid by the county in which the indictment
8 which resulted in conviction was found.

9 SECTION 2.02. Section 404.093(b), Government Code, is
10 amended to read as follows:

11 (b) This subchapter does not apply to:

12 (1) funds pledged to the payment of bonds, notes, or
13 other debts if the funds are not otherwise required to be deposited
14 in the treasury;

15 (2) funds held in trust or escrow for the benefit of a
16 person or entity other than a state agency;

17 (3) funds set apart out of earnings derived from
18 investment of funds held in trust for others, as administrative
19 expenses of the trustee agency; or

20 (4) funds, grants, donations, and proceeds from funds,
21 grants, and donations, given in trust to the Texas State Library and
22 Archives Commission for the establishment and maintenance of
23 regional historical resource depositories and libraries in
24 accordance with Section 441.154[~~, or~~

25 [~~(5) funds under the management of the~~
26 ~~secretary-treasurer of the Anatomical Board of the State of Texas,~~
27 ~~as provided by Section 691.008, Health and Safety Code].~~

1 SECTION 2.03. Sections 692A.011(a), (b), and (c), Health and
2 Safety Code, are amended to read as follows:

3 (a) An anatomical gift may be made to the following persons
4 named in the document of gift:

5 (1) an organ procurement organization to be used for
6 transplantation, therapy, research, or education;

7 (2) a hospital to be used for research;

8 (3) subject to Subsection (d), an individual
9 designated by the person making the anatomical gift if the
10 individual is the recipient of the part;

11 (4) an eye bank or tissue bank, except that use of a
12 gift of a whole body must be coordinated through the Texas Funeral
13 Service Commission [~~Anatomical Board of the State of Texas~~];

14 (5) a forensic science program at:

15 (A) a general academic teaching institution as
16 defined by Section 61.003, Education Code; or

17 (B) a private or independent institution of
18 higher education as defined by Section 61.003, Education Code;

19 (6) a search and rescue organization or recovery team
20 that is recognized by the Texas Funeral Service Commission
21 [~~Anatomical Board of the State of Texas~~], is exempt from federal
22 taxation under Section 501(c)(3), Internal Revenue Code of 1986,
23 and uses human remains detection canines with the authorization of
24 a local or county law enforcement agency; or

25 (7) the Texas Funeral Service Commission [~~Anatomical~~
26 ~~Board of the State of Texas~~].

27 (b) Except for donations described by Subsections (a)(1)

1 through (6), the Texas Funeral Service Commission [~~Anatomical Board~~
2 ~~of the State of Texas~~] shall be the donee of gifts of bodies or parts
3 of bodies made for the purpose of education or research that are
4 subject to distribution by the commission [~~board~~] under Chapter
5 691.

6 (c) A forensic science program that receives a donation
7 under Subsection (a)(5) must submit a report to the Texas Funeral
8 Service Commission [~~Anatomical Board of the State of Texas~~] on a
9 quarterly basis that lists:

10 (1) the number of bodies or parts of bodies that the
11 program received; and

12 (2) the method in which the program used the bodies or
13 parts of bodies for education or research.

14 ARTICLE 3. TRANSITIONS AND EFFECTIVE DATE

15 SECTION 3.01. (a) The Anatomical Board of the State of Texas
16 is abolished but continues in existence until September 1, 2022,
17 for the sole purpose of transferring obligations, property, rights,
18 powers, and duties to the Texas Funeral Service Commission. The
19 Texas Funeral Service Commission assumes all of the obligations,
20 property, rights, powers, and duties of the Anatomical Board of the
21 State of Texas as they exist immediately before the effective date
22 of this Act. All unexpended and unobligated funds under the
23 management of the secretary-treasurer of the Anatomical Board of
24 the State of Texas, as provided by Section 691.008, Health and
25 Safety Code, as that section existed immediately before the
26 effective date of this Act, are transferred to the general revenue
27 fund for the purpose of the Texas Funeral Service Commission

1 administering duties under Chapter 691, Health and Safety Code, as
2 amended by this Act.

3 (b) The Anatomical Board of the State of Texas and the Texas
4 Funeral Service Commission shall, in consultation with appropriate
5 state entities, ensure that the transfer of the obligations,
6 property, rights, powers, and duties of the Anatomical Board of the
7 State of Texas to the Texas Funeral Service Commission is completed
8 not later than September 1, 2022.

9 (c) All rules of the Anatomical Board of the State of Texas
10 are continued in effect as rules of the Texas Funeral Service
11 Commission until superseded by a rule of the Texas Funeral Service
12 Commission. An authorization issued by the Anatomical Board of the
13 State of Texas is continued in effect as provided by the law in
14 effect immediately before the effective date of this Act. An
15 authorization pending on the effective date of this Act is
16 continued without change in status after the effective date of this
17 Act. A complaint, investigation, or other proceeding pending on the
18 effective date of this Act is continued without change in status
19 after the effective date of this Act.

20 (d) Unless the context indicates otherwise, a reference to
21 the Anatomical Board of the State of Texas in a law or
22 administrative rule means the Texas Funeral Service Commission.

23 SECTION 3.02. (a) Not later than the 60th day after the
24 effective date of this Act, the Texas Funeral Service Commission
25 shall appoint members to the State Anatomical Advisory Committee in
26 accordance with Section 691.002, Health and Safety Code, as amended
27 by this Act.

1 (b) The members of the Anatomical Board of the State of
2 Texas whose terms expire under Section 3.01 of this Act shall
3 continue to provide advice to the Texas Funeral Service Commission
4 until a majority of the members of the State Anatomical Advisory
5 Committee are appointed under Subsection (a) of this section and
6 qualified. A member of the Anatomical Board of the State of Texas
7 described by this subsection may be appointed to the State
8 Anatomical Advisory Committee if the member is otherwise eligible
9 for appointment under Section 691.002, Health and Safety Code, as
10 amended by this Act.

11 SECTION 3.03. This Act takes effect September 1, 2021.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 23, 2021

TO: Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1565 by Paddie (Relating to the continuation and transfer of the regulation of willed body programs to the Texas Funeral Service Commission, the regulation of willed body programs and non-transplant anatomical donation organizations, and the creation of the State Anatomical Advisory Committee; authorizing a fee.), **As Passed 2nd House**

Estimated Two-year Net Impact to General Revenue Related Funds for HB1565, As Passed 2nd House : a positive impact of \$358,896 through the biennium ending August 31, 2023.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The bill would transfer regulation of willed body programs from the State Anatomical Board to the Texas Funeral Service Commission and create the State Anatomical Advisory Committee.

General Revenue-Related Funds, Five- Year Impact:

<i>Fiscal Year</i>	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2022	\$358,896
2023	\$0
2024	\$0
2025	\$0
2026	\$0

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	Probable Revenue Gain from General Revenue Fund 1	Probable (Cost) from General Revenue Fund 1	Change in Number of State Employees from FY 2021
2022	\$582,551	(\$223,655)	4.0
2023	\$208,655	(\$208,655)	4.0
2024	\$208,655	(\$208,655)	4.0
2025	\$208,655	(\$208,655)	4.0
2026	\$208,655	(\$208,655)	4.0

Fiscal Analysis

The bill would transfer the remaining funds under the management of the secretary-treasurer of the Anatomical Board (outside the state treasury) to the general revenue fund for the purpose of the Texas Funeral Service Commission administering duties under Chapter 691, Health and Safety Code.

The bill would transfer fee collection authority from State Anatomical Board (SAB) to Texas Funeral Service Commission (TFSC). It is assumed that the TFSC will raise sufficient revenue through tag fees, cadaver transfer fees (both in and out of state), and inspection fees identified under Sec. 691.012 of the Health and Safety Code, to cover the costs.

Methodology

It is assumed that the SAB fund balance, which was \$373,896 at the end of calendar year 2020 would transfer to the general revenue fund in fiscal year 2022. SAB's existing fund balance comes from fees associated with the receipt and distribution of bodies and anatomical specimens, specifically a tag fee when a donation is first registered with the board (an identifying tag is attached to the body), and a transfer fee if a willed body program (WBP) loans a donation to an anatomical facility or other WBP. This fee collection authority would be unchanged under this bill, except to transfer it to TFSC.

TFSC anticipates costs of 4 FTEs to implement this bill; 1 FTE to issue SAB Tags to approved facilities and to track transfer of remains between facilities, 2 FTEs to be inspectors which will inspect all accredited medical schools/colleges, dental schools, Health Science Centers, hospitals, schools of mortuary science, and forensic science programs throughout Texas, and 1 FTE who will conduct audits of the facilities. These FTEs will cost \$163,655 per fiscal year in salaries, and \$45,000 per fiscal year in travel expenses.

It is assumed that from the estimates of fee collections provided by TFSC and Sunset Commission, the agency will raise sufficient revenue to cover the costs identified.

Technology

The State Anatomical Board's database will need to be incorporated into the existing TFSC database. The cost would be a one-time transition, estimated to be \$15,000 in fiscal year 2022.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 116 Sunset Advisory Commission, 304 Comptroller of Public Accounts, 513 Funeral Service Commission, 696 Department of Criminal Justice, 710 Texas A&M Univ System Admin, 720 UT Sys Admin, 768 Texas Tech Univ Sys Admin, 769 UNT System Administration

LBB Staff: JMc, LBO, SZ, MB, RRE, AKI

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 19, 2021

TO: Honorable Kelly Hancock, Chair, Senate Committee on Business & Commerce

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: **HB1565** by Paddie (relating to the continuation and transfer of the regulation of willed body programs to the Texas Funeral Service Commission, the regulation of willed body programs and non-transplant anatomical donation organizations, and the creation of the State Anatomical Advisory Committee; authorizing a fee.), **Committee Report 2nd House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for HB1565, Committee Report 2nd House, Substituted : a positive impact of \$358,896 through the biennium ending August 31, 2023.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The bill would transfer regulation of willed body programs from the State Anatomical Board to the Texas Funeral Service Commission and create the State Anatomical Advisory Committee.

General Revenue-Related Funds, Five- Year Impact:

<i>Fiscal Year</i>	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2022	\$358,896
2023	\$0
2024	\$0
2025	\$0
2026	\$0

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	Probable Revenue Gain from General Revenue Fund 1	Probable (Cost) from General Revenue Fund 1	Change in Number of State Employees from FY 2021
2022	\$582,551	(\$223,655)	4.0
2023	\$208,655	(\$208,655)	4.0
2024	\$208,655	(\$208,655)	4.0
2025	\$208,655	(\$208,655)	4.0
2026	\$208,655	(\$208,655)	4.0

Fiscal Analysis

The bill would transfer the remaining funds under the management of the secretary-treasurer of the Anatomical Board (outside the state treasury) to the general revenue fund for the purpose of the Texas Funeral Service Commission administering duties under Chapter 691, Health and Safety Code.

The bill would transfer fee collection authority from State Anatomical Board (SAB) to Texas Funeral Service Commission (TFSC). It is assumed that the TFSC will raise sufficient revenue through tag fees, cadaver transfer fees (both in and out of state), and inspection fees identified under Sec. 691.012 of the Health and Safety Code, to cover the costs.

Methodology

It is assumed that the SAB fund balance, which was \$373,896 at the end of calendar year 2020 would transfer to the general revenue fund in fiscal year 2022. SAB's existing fund balance comes from fees associated with the receipt and distribution of bodies and anatomical specimens, specifically a tag fee when a donation is first registered with the board (an identifying tag is attached to the body), and a transfer fee if a willed body program (WBP) loans a donation to an anatomical facility or other WBP. This fee collection authority would be unchanged under this bill, except to transfer it to TFSC.

TFSC anticipates costs of 4 FTEs to implement this bill; 1 FTE to issue SAB Tags to approved facilities and to track transfer of remains between facilities, 2 FTEs to be inspectors which will inspect all accredited medical schools/colleges, dental schools, Health Science Centers, hospitals, schools of mortuary science, and forensic science programs throughout Texas, and 1 FTE who will conduct audits of the facilities. These FTEs will cost \$163,655 per fiscal year in salaries, and \$45,000 per fiscal year in travel expenses.

It is assumed that from the estimates of fee collections provided by TFSC and Sunset Commission, the agency will raise sufficient revenue to cover the costs identified.

Technology

The State Anatomical Board's database will need to be incorporated into the existing TFSC database. The cost would be a one-time transition, estimated to be \$15,000 in fiscal year 2022.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 116 Sunset Advisory Commission, 304 Comptroller of Public Accounts, 513 Funeral Service Commission, 696 Department of Criminal Justice, 710 Texas A&M Univ System Admin, 720 UT Sys Admin, 768 Texas Tech Univ Sys Admin, 769 UNT System Administration

LBB Staff: JMc, SZ, MB, RRE, AKI

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 19, 2021

TO: Honorable Kelly Hancock, Chair, Senate Committee on Business & Commerce

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1565 by Paddie (Relating to the continuation and transfer of the regulation of willed body programs to the Texas Funeral Service Commission and to the creation of the State Anatomical Advisory Committee; authorizing a fee.), **As Engrossed**

Estimated Two-year Net Impact to General Revenue Related Funds for HB1565, As Engrossed : a positive impact of \$358,896 through the biennium ending August 31, 2023.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The bill would transfer regulation of willed body programs from the State Anatomical Board to the Texas Funeral Service Commission and create the State Anatomical Advisory Committee.

General Revenue-Related Funds, Five- Year Impact:

<i>Fiscal Year</i>	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2022	\$358,896
2023	\$0
2024	\$0
2025	\$0
2026	\$0

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	Probable Revenue Gain from General Revenue Fund	Probable (Cost) from General Revenue Fund	Change in Number of State Employees from FY 2021
	1	1	
2022	\$582,551	(\$223,655)	4.0
2023	\$208,655	(\$208,655)	4.0
2024	\$208,655	(\$208,655)	4.0
2025	\$208,655	(\$208,655)	4.0
2026	\$208,655	(\$208,655)	4.0

Fiscal Analysis

The bill would transfer the remaining funds under the management of the secretary-treasurer of the Anatomical Board (outside the state treasury) to the general revenue fund for the purpose of the Texas Funeral Service Commission administering duties under Chapter 691, Health and Safety Code.

The bill would transfer fee collection authority from State Anatomical Board (SAB) to Texas Funeral Service Commission (TFSC). It is assumed that the TFSC will raise sufficient revenue through tag fees, cadaver transfer fees (both in and out of state), and inspection fees identified under Sec. 691.012 of the Health and Safety Code, to cover the costs.

Methodology

It is assumed that the SAB fund balance, which was \$373,896 at the end of calendar year 2020 would transfer to the general revenue fund in fiscal year 2022. SAB's existing fund balance comes from fees associated with the receipt and distribution of bodies and anatomical specimens, specifically a tag fee when a donation is first registered with the board (an identifying tag is attached to the body), and a transfer fee if a willed body program (WBP) loans a donation to an anatomical facility or other WBP. This fee collection authority would be unchanged under this bill, except to transfer it to TFSC.

TFSC anticipates costs of 4 FTEs to implement this bill; 1 FTE to issue SAB Tags to approved facilities and to track transfer of remains between facilities, 2 FTEs to be inspectors which will inspect all accredited medical schools/colleges, dental schools, Health Science Centers, hospitals, schools of mortuary science, and forensic science programs throughout Texas, and 1 FTE who will conduct audits of the facilities. These FTEs will cost \$163,655 per fiscal year in salaries, and \$45,000 per fiscal year in travel expenses.

It is assumed that from the estimates of fee collections provided by TFSC and Sunset Commission, the agency will raise sufficient revenue to cover the costs identified.

Technology

The State Anatomical Board's database will need to be incorporated into the existing TFSC database. The cost would be a one-time transition, estimated to be \$15,000 in fiscal year 2022.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 116 Sunset Advisory Commission, 304 Comptroller of Public Accounts, 513 Funeral Service Commission, 696 Department of Criminal Justice, 710 Texas A&M Univ System Admin, 720 UT Sys Admin, 768 Texas Tech Univ Sys Admin, 769 UNT System Administration

LBB Staff: JMc, SZ, MB, RRE, AKI

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

April 10, 2021

TO: Honorable Stephanie Klick, Chair, House Committee on Public Health

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1565 by Paddie (Relating to the continuation and transfer of the regulation of willed body programs to the Texas Funeral Service Commission and to the creation of the State Anatomical Advisory Committee; authorizing a fee.), Committee Report 1st House, Substituted

Estimated Two-year Net Impact to General Revenue Related Funds for HB1565, Committee Report 1st House, Substituted : a positive impact of \$358,896 through the biennium ending August 31, 2023.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The bill would transfer regulation of willed body programs from the State Anatomical Board to the Texas Funeral Service Commission and create the State Anatomical Advisory Committee.

General Revenue-Related Funds, Five- Year Impact:

<i>Fiscal Year</i>	<i>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</i>
2022	\$358,896
2023	\$0
2024	\$0
2025	\$0
2026	\$0

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	<i>Probable Revenue Gain from General Revenue Fund</i>	<i>Probable (Cost) from General Revenue Fund</i>	<i>Change in Number of State Employees from FY 2021</i>
	1	1	
2022	\$582,551	(\$223,655)	4.0
2023	\$208,655	(\$208,655)	4.0
2024	\$208,655	(\$208,655)	4.0
2025	\$208,655	(\$208,655)	4.0
2026	\$208,655	(\$208,655)	4.0

Fiscal Analysis

The bill would transfer the remaining funds under the management of the secretary-treasurer of the Anatomical Board (outside the state treasury) to the general revenue fund for the purpose of the Texas Funeral Service Commission administering duties under Chapter 691, Health and Safety Code.

The bill would transfer fee collection authority from State Anatomical Board (SAB) to Texas Funeral Service Commission (TFSC). It is assumed that the TFSC will raise sufficient revenue through tag fees, cadaver transfer fees (both in and out of state), and inspection fees identified under Sec. 691.012 of the Health and Safety Code, to cover the costs.

Methodology

It is assumed that the SAB fund balance, which was \$373,896 at the end of calendar year 2020 would transfer to the general revenue fund in fiscal year 2022. SAB's existing fund balance comes from fees associated with the receipt and distribution of bodies and anatomical specimens, specifically a tag fee when a donation is first registered with the board (an identifying tag is attached to the body), and a transfer fee if a willed body program (WBP) loans a donation to an anatomical facility or other WBP. This fee collection authority would be unchanged under this bill, except to transfer it to TFSC.

TFSC anticipates costs of 4 FTEs to implement this bill; 1 FTE to issue SAB Tags to approved facilities and to track transfer of remains between facilities, 2 FTEs to be inspectors which will inspect all accredited medical schools/colleges, dental schools, Health Science Centers, hospitals, schools of mortuary science, and forensic science programs throughout Texas, and 1 FTE who will conduct audits of the facilities. These FTEs will cost \$163,655 per fiscal year in salaries, and \$45,000 per fiscal year in travel expenses.

It is assumed that from the estimates of fee collections provided by TFSC and Sunset Commission, the agency will raise sufficient revenue to cover the costs identified.

Technology

The State Anatomical Board's database will need to be incorporated into the existing TFSC database. The cost would be a one-time transition, estimated to be \$15,000 in fiscal year 2022.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 116 Sunset Advisory Commission, 304 Comptroller of Public Accounts, 513 Funeral Service Commission, 696 Department of Criminal Justice, 710 Texas A&M Univ System Admin, 720 UT Sys Admin, 768 Texas Tech Univ Sys Admin, 769 UNT System Administration

LBB Staff: JMc, AKI, MB, RRE, SZ

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

March 16, 2021

TO: Honorable Stephanie Klick, Chair, House Committee on Public Health

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1565 by Paddie (Relating to the continuation and transfer of the regulation of willed body programs to the Texas Funeral Service Commission and to the creation of the State Anatomical Advisory Committee; authorizing a fee.), As Introduced

Relating to the continuation and transfer of the regulation of willed body programs to the Texas Funeral Service Commission and to the creation of the State Anatomical Advisory Committee, as well as authorizing a fee.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The bill would transfer regulation of the willed body program from the State Anatomical Board to the Texas Funeral Service Commission and create the State Anatomical Advisory Committee.

General Revenue-Related Funds, Five- Year Impact:

<i>Fiscal Year</i>	<i>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</i>
2022	\$358,896
2023	\$0
2024	\$0
2025	\$0
2026	\$0

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	<i>Probable Revenue Gain from General Revenue Fund</i>	<i>Probable (Cost) from General Revenue Fund</i>	<i>Change in Number of State Employees from FY 2021</i>
	1	1	
2022	\$582,551	(\$223,655)	4.0
2023	\$208,655	(\$208,655)	4.0
2024	\$208,655	(\$208,655)	4.0
2025	\$208,655	(\$208,655)	4.0
2026	\$208,655	(\$208,655)	4.0

Fiscal Analysis

The bill would transfer the remaining funds under the management of the secretary-treasurer of the Anatomical Board (outside the state treasury) to the general revenue fund for the purpose of the Texas Funeral Service Commission administering duties under Chapter 691, Health and Safety Code.

The bill would transfer fee collection authority from State Anatomical Board (SAB) to Texas Funeral Service Commission (TFSC). It is assumed that the TFSC will raise sufficient revenue through tag fees, cadaver transfer fees (both in and out of state), and inspection fees identified under Sec. 691.012 of the Health and Safety Code, to cover the costs.

Methodology

It is assumed that the SAB fund balance, which was \$373,896 at the end of calendar year 2020 would transfer to the general revenue fund in fiscal year 2022. SAB's existing fund balance comes from fees associated with the receipt and distribution of bodies and anatomical specimens, specifically a tag fee when a donation is first registered with the board (an identifying tag is attached to the body), and a transfer fee if a willed body program (WBP) loans a donation to an anatomical facility or other WBP. This fee collection authority would be unchanged under this bill, except to transfer it to TFSC.

TFSC anticipates costs of 4 FTEs to implement this bill; 1 FTE to issue SAB Tags to approved facilities and to track transfer of remains between facilities, 2 FTEs to be inspectors which will inspect all accredited medical schools/colleges, dental schools, Health Science Centers, hospitals, schools of mortuary science, and forensic science programs throughout Texas, and 1 FTE who will conduct audits of the facilities. These FTEs will cost \$163,655 per fiscal year in salaries, and \$45,000 per fiscal year in travel expenses.

It is assumed that from the estimates of fee collections provided by TFSC and Sunset Commission, the agency will raise sufficient revenue to cover the costs identified.

Technology

The State Anatomical Board's database will need to be incorporated into the existing TFSC database. The cost would be a one-time transition, estimated to be \$15,000 in fiscal year 2022.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 116 Sunset Advisory Commission, 304 Comptroller of Public Accounts, 513 Funeral Service Commission, 696 Department of Criminal Justice, 710 Texas A&M Univ System Admin, 720 UT Sys Admin, 768 Texas Tech Univ Sys Admin, 769 UNT System Administration

LBB Staff: JMc, AKi, MB, RRe, SZ