

House Bill 1565
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

CHAPTER 691. DONATION OF BODIES AND
ANATOMICAL SPECIMENS [~~ANATOMICAL BOARD OF
THE STATE OF TEXAS~~]

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

SUBCHAPTER A. GENERAL PROVISIONS; STATE
[ORGANIZATION—OF] ANATOMICAL ADVISORY
COMMITTEE [~~BOARD OF THE STATE OF TEXAS~~]

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

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

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

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Same as House version.

SECTION 1.01. Same as House version.

SECTION 1.02. Same as House version.

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

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

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

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

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

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

Sec. 691.002. ADVISORY COMMITTEE [COMPOSITION OF BOARD]. (a) The State Anatomical Advisory Committee is established to advise the commission on matters related to the regulation and operation of willed body programs in this state.

(b) The advisory committee is composed of representatives appointed by the commission from institutions of higher education that operate willed body programs

[The Anatomical Board of the State of Texas is composed of one representative from each school or college of chiropractic, osteopathy, medicine, or dentistry incorporated in this state].

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

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individual.

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

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

Sec. 691.002. ADVISORY COMMITTEE [COMPOSITION OF BOARD]. (a) The State Anatomical Advisory Committee is established to advise the commission on matters related to the regulation and operation of willed body programs and non-transplant anatomical donation organizations in this state.

(b) The advisory committee is composed of representatives appointed by the commission from institutions of higher education that operate willed body programs and at least one non-transplant anatomical donation organization. The majority of the members of the advisory committee must be representatives from institutions of higher education that operate willed body programs

[The Anatomical Board of the State of Texas is composed of one representative from each school or college of chiropractic, osteopathy, medicine, or dentistry incorporated in this state].

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

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

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

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

Sec. 691.011. RECORDS. [(e)] The commission [board] shall keep identification records of each body donated to the commission [board] and of each body or anatomical specimen distributed by the commission [board].

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

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

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

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

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

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

SECTION 1.05. Same as House version.

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

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

(1) receiving and distributing bodies and anatomical specimens;

(2) transferring bodies and anatomical specimens between institutions, organizations, or other persons authorized to transfer or receive bodies or anatomical specimens under this chapter; and

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

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

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

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

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

(d) The commission [board] shall develop and implement policies that provide the public with a reasonable opportunity to appear before the commission [board] and to speak on any

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issue under the jurisdiction of the commission [~~board~~].

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

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

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

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

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

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

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

(c) Except as provided by Subsection (d), the commission may not adopt a rule related to standards of practice, ethics, qualifications, or disciplinary sanctions for institutions or persons regulated under this chapter unless the advisory committee first proposes the rule and the proposed rule is authorized by this chapter. The commission may not modify a rule described by this subsection that is proposed by the advisory committee. If the commission declines to adopt a rule proposed by the advisory committee, the commission shall return the rule to the advisory committee with an explanation of the reasons the commission declined to adopt the rule.

(d) The commission may, but is not required to, coordinate with the advisory committee to adopt rules regarding non-

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

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

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

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

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

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

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

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transplant anatomical donation organizations.

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

SECTION 1.09. Same as House version.

SECTION 1.10. Same as House version.

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

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

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

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

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

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

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

Sec. 691.027. AUTOPSY. Only the commission [board] may grant permission to perform an autopsy on an unclaimed body. The commission [board] may grant permission after receiving

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SECTION 1.11. Same as House version.

SECTION 1.12. Same as House version.

SECTION 1.13. Same as House version.

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a specific request for an autopsy that shows sufficient evidence of medical urgency.

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

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

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

Sec. 691.029. AUTHORITY TO ACCEPT BODIES FROM OUTSIDE THE STATE.

The commission [~~board~~] may receive a body transported to the commission [~~board~~] from outside this state.

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

Sec. 691.030. COMMISSION'S [BOARD'S] AUTHORITY TO DISTRIBUTE BODIES AND ANATOMICAL SPECIMENS. (a) The commission [~~board~~] or the commission's [~~board's~~] representative shall distribute bodies donated to it and may redistribute bodies donated to medical or dental schools or other donees authorized by the

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

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

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

Sec. 691.029. AUTHORITY TO RECEIVE, DISTRIBUTE, AND TRANSFER [ACCEPT] BODIES OR ANATOMICAL SPECIMENS [FROM OUTSIDE THE STATE].

The commission [~~board~~] may receive, distribute, and transfer a body or anatomical specimen from inside or [a body transported to the board from] outside this state.

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

Sec. 691.030. COMMISSION'S [BOARD'S] AUTHORITY TO DISTRIBUTE BODIES AND ANATOMICAL SPECIMENS. (a) The commission [~~board~~] or the commission's [~~board's~~] representative shall distribute bodies donated to it and may redistribute bodies donated to medical or dental schools or other donees authorized by the

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commission [board] to:

- (1) schools and colleges of chiropractic, osteopathy, medicine, or dentistry incorporated in this state;
- (2) forensic science programs;
- (3) search and rescue organizations or recovery teams that are recognized by the commission [board], are exempt from federal taxation under Section 501(c)(3), Internal Revenue Code of 1986, and use human remains detection canines with the authorization of a local or county law enforcement agency;
- (4) physicians; and
- (5) other persons as provided by this section.

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

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

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

- (1) the deceased donated the deceased's [his] body in compliance with Section 691.028 and at the time of the donation authorized the commission [board] to transport the

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commission [board] to:

- (1) schools and colleges of chiropractic, osteopathy, medicine, or dentistry incorporated in this state;
- (2) forensic science programs;
- (3) search and rescue organizations or recovery teams that are recognized by the commission [board], are exempt from federal taxation under Section 501(c)(3), Internal Revenue Code of 1986, and use human remains detection canines with the authorization of a local or county law enforcement agency;
- (4) physicians; and
- (5) other persons as provided by this section.

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

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

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

- (1) the deceased donated the deceased's [his] body in compliance with Section 691.028 and at the time of the donation authorized the commission [board] to transport the

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body outside this state; or

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

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

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

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

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

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

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

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

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

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

(f) The sender and receiver of each body or anatomical specimen shall file the records required under this section in accordance with commission [board] rules so that the commission [board] or a district or county attorney may

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body outside this state; or

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

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

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

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

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

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

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

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

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

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

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

(f) The sender and receiver of each body or anatomical specimen shall file the records required under this section in accordance with commission [board] rules so that the commission [board] or a district or county attorney may

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inspect the records at any time.

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

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

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

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

(b) A school, college, or person shall keep a permanent record of each body or anatomical specimen received from the commission [~~board~~] or the commission's [~~board's~~] representative. The record must be sufficient to identify the body or anatomical specimen and may be inspected by the commission [~~board~~] or the commission's [~~board's~~] representative.

(d) To aid prosecutions under Section 42.08, Penal Code, the

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inspect the records at any time.

SECTION 1.18. Same as House version.

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

(a) To further medical or forensic science, a willed body program, non-transplant anatomical donation organization, [~~school, college,~~] or other person designated by the commission [~~board~~] may use, dissect, operate on, examine, and experiment on a body or anatomical specimen distributed under this chapter.

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

(d) To aid prosecutions under Section 42.08, Penal Code, the

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commission [board] shall adopt rules that clearly state the activities that are authorized by the commission [board] in relation to the use or dissection of a body.

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

Sec. 691.034. REGULATION OF PERSONS AND INSTITUTIONS USING BODIES AND ANATOMICAL SPECIMENS.

(a) The commission [board] shall inspect and may approve institutions and other persons for the receipt and use of bodies and anatomical specimens under this chapter.

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

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

(c) The commission [board] may suspend or revoke a person's or institution's authorization

to receive and use or dissect bodies or anatomical specimens if the commission [board] determines that the person or institution has improperly used a body or anatomical specimen.

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commission [board] shall adopt rules that clearly state the activities that are authorized by the commission [board] in relation to the use or dissection of a body.

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

Sec. 691.034. REGULATION OF PERSONS AND INSTITUTIONS USING BODIES AND ANATOMICAL SPECIMENS.

(a) The commission [board] shall inspect and may approve willed body programs, non-transplant anatomical donation organizations, [institutions] and other persons for the receipt and use of bodies and anatomical specimens under this chapter.

(b) The commission [board] may investigate a willed body program, non-transplant anatomical donation organization, or other person [or institution] if the commission [board] has reason to believe that the program, organization, or person [or institution] has improperly used a body or anatomical specimen.

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

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

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

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

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

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

Sec. 651.005. REGULATION OF WILLED BODY PROGRAMS.

The commission shall regulate willed body programs operated at an institution of higher education in this state as provided

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

~~No equivalent provision.~~

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

Sec. 651.005. REGULATION OF WILLED BODY PROGRAMS AND NON-TRANSPLANT ANATOMICAL DONATION ORGANIZATIONS.

The commission shall regulate willed body programs and non-transplant anatomical donation organizations as provided by

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by Chapter 691, Health and Safety Code, and in accordance with the powers and duties granted by this chapter to the extent necessary to regulate the programs under that chapter.

SECTION 1.23. The following provisions of the Health and Safety Code are repealed:

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

ARTICLE 2. CONFORMING AMENDMENTS

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

Art. 43.25. BODY OF CONVICT. The body of a convict who has been legally executed shall be embalmed immediately and so directed by the Director of the correctional institutions division of the Texas Department of Criminal Justice [~~Department of Corrections~~]. If the body is not demanded or requested by a relative or bona fide friend within forty-eight hours after execution then it shall be delivered to the Texas Funeral Service Commission [~~Anatomical Board of the State of Texas~~], if requested by the

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Chapter 691, Health and Safety Code, and in accordance with the powers and duties granted by this chapter to the extent necessary to regulate the programs under that chapter.

SECTION 1.22. Same as House version.

Same as House version.

SECTION 2.01. Same as House version.

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commission [~~Board~~]. If the body is requested by a relative, a bona fide friend, or the Texas Funeral Service Commission [~~Anatomical Board of the State of Texas~~], such recipient shall pay a fee [~~of~~] not to exceed twenty-five dollars to the mortician for the mortician's [~~his~~] services in embalming the body for which the mortician shall issue to the recipient a written receipt. When such receipt is delivered to the Director of the correctional institutions division of the Texas Department of Criminal Justice [~~Department of Corrections~~], the body of the deceased shall be delivered to the party named in the receipt or the party's [~~his~~] authorized agent. If the body is not delivered to a relative, a bona fide friend, or the Texas Funeral Service Commission [~~Anatomical Board of the State of Texas~~], the Director of the correctional institutions division of the Texas Department of Criminal Justice [~~Department of Corrections~~] shall cause the body to be decently buried, and the fee for embalming shall be paid by the county in which the indictment which resulted in conviction was found.

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

(b) This subchapter does not apply to:

- (1) funds pledged to the payment of bonds, notes, or other debts if the funds are not otherwise required to be deposited in the treasury;
- (2) funds held in trust or escrow for the benefit of a person or entity other than a state agency;
- (3) funds set apart out of earnings derived from investment of funds held in trust for others, as administrative expenses of the trustee agency; or
- (4) funds, grants, donations, and proceeds from funds, grants,

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and donations, given in trust to the Texas State Library and Archives Commission for the establishment and maintenance of regional historical resource depositories and libraries in accordance with Section 441.154~~;~~
~~[(5) funds under the management of the secretary-treasurer of the Anatomical Board of the State of Texas, as provided by Section 691.008, Health and Safety Code].~~

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

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

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

(2) a hospital to be used for research;

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

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

(5) a forensic science program at:

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

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

(6) a search and rescue organization or recovery team that is recognized by the Texas Funeral Service Commission [~~Anatomical Board of the State of Texas~~], is exempt from

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

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

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

(5) a forensic science program at:

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

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

(6) a search and rescue organization or recovery team that is recognized by the Texas Funeral Service Commission [~~Anatomical Board of the State of Texas~~], is exempt from

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federal taxation under Section 501(c)(3), Internal Revenue Code of 1986, and uses human remains detection canines with the authorization of a local or county law enforcement agency; or

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

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

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

- (1) the number of bodies or parts of bodies that the program received; and
- (2) the method in which the program used the bodies or parts of bodies for education or research.

ARTICLE 3. TRANSITIONS AND EFFECTIVE DATE

SECTION 3.01. (a) The Anatomical Board of the State of Texas is abolished but continues in existence until September 1, 2022, for the sole purpose of transferring obligations, property, rights, powers, and duties to the Texas Funeral Service Commission. The Texas Funeral Service Commission assumes all of the obligations, property, rights, powers, and

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federal taxation under Section 501(c)(3), Internal Revenue Code of 1986, and uses human remains detection canines with the authorization of a local or county law enforcement agency; or

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

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

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

- (1) the number of bodies or parts of bodies that the program received; and
- (2) the method in which the program used the bodies or parts of bodies for education or research.

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duties of the Anatomical Board of the State of Texas as they exist immediately before the effective date of this Act. All unexpended and unobligated funds under the management of the secretary-treasurer of the Anatomical Board of the State of Texas, as provided by Section 691.008, Health and Safety Code, as that section existed immediately before the effective date of this Act, are transferred to the general revenue fund for the purpose of the Texas Funeral Service Commission administering duties under Chapter 691, Health and Safety Code, as amended by this Act.

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

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

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

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Commission.

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

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

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

SECTION 3.02. Same as House version.

SECTION 3.03. Same as House version.