

BILL ANALYSIS

S.B. 2186
By: Zaffirini
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Certain matters have been raised by attorneys who assist clients with statements of anatomical gifts. The Revised Uniform Anatomical Gift Act is inconsistent in its treatment of individuals who are authorized to sign a record for themselves and individuals who are physically unable to sign a record. Additionally, the Texas Anatomical Gift Act was repealed in 2009 and replaced with the Revised Uniform Anatomical Gift Act, but that same year the repealed act was also amended, which has caused confusion for practitioners since. S.B. 2186 seeks to address these issues and align statute by revising provisions relating to the manner of executing certain anatomical gift records.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 2186 repeals the Texas Anatomical Gift Act, which provides for the execution of an anatomical gift made by a document, including a statement or symbol in an online donor registry.

S.B. 2186 amends the Health and Safety Code to authorize a donor or other person authorized to make an anatomical gift under the Revised Uniform Anatomical Gift Act to make a gift through an online registry in substantially the same manner as in the provisions repealed by the bill. Accordingly, the bill establishes the following with respect to the online registration:

- it does not require the consent of another person or require a witness to sign at the donor's request or a notary public to acknowledge the gift; and
- it constitutes a legal document under the act that remains binding after the donor's death.

The bill gives an individual signing a record to make, amend or revoke, or refuse to make an anatomical gift at the direction of a donor or other individual, as applicable, who is physically unable to sign the record the option of having the record acknowledged before a notary public as an alternative to signing the record before at least two adult witnesses meeting certain criteria.

S.B. 2186 applies only to a document or the validity of a record executed on or after the bill's effective date.

S.B. 2186 repeals Chapter 692, Health and Safety Code.

EFFECTIVE DATE

September 1, 2023.