

By: Springer, et al.

S.B. No. 2040

A BILL TO BE ENTITLED

AN ACT

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, non-transplant anatomical donation organizations, and anatomical facilities, and the creation of the State Anatomical Advisory Committee; requiring registration; authorizing fees; authorizing an administrative penalty.

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

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 ANATOMICAL ADVISORY COMMITTEE ~~[ORGANIZATION OF 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 (1-a), (4), (5), and (6) to read as follows:

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

1           (1-a) "Anatomical facility" means a facility in this  
2 state inspected and approved by the commission under Section  
3 691.034 that does not operate as a willed body program or a  
4 non-transplant anatomical donation organization.

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

7           (5) "Non-transplant anatomical donation organization"  
8 means a person accredited to engage in the recovery, receipt,  
9 screening, testing, processing, storage, or distribution of tissue  
10 or human remains for any purpose other than transplantation into a  
11 living individual in this state.

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

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

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

19 (a) The State Anatomical Advisory Committee is established to  
20 advise and provide expertise to the commission on matters related  
21 to the regulation and operation of willed body programs,  
22 non-transplant anatomical donation organizations, and anatomical  
23 facilities in this state.

24           (b) The advisory committee is composed of seven members  
25 appointed by the commission as follows:

26           (1) two members who represent institutions of higher  
27 education that operate willed body programs;

1           (2) two members who represent non-transplant  
2 anatomical donation organizations;

3           (3) two members who represent anatomical facilities;  
4 and

5           (4) one public member [~~The Anatomical Board of the~~  
6 ~~State of Texas is composed of one representative from each school or~~  
7 ~~college of chiropractic, osteopathy, medicine, or dentistry~~  
8 ~~incorporated in this state].~~

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

15           (d) An advisory committee member may be reappointed.

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

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

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

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

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

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

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

9 (2) conducting inspections of willed body programs and  
10 anatomical facilities.

11 (b) The commission by rule may establish fees for the  
12 registration of willed body programs and non-transplant anatomical  
13 donation organizations in amounts reasonable and necessary to cover  
14 the cost of administering this chapter.

15 (c) A non-transplant anatomical donation organization is  
16 exempt from a fee described by Subsection (a)(1).

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

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

26 (b) The commission [~~board~~] by rule shall establish methods  
27 by which service recipients can be notified of the name, mailing

1 address, and telephone number of the commission [~~board~~] for the  
2 purpose of directing complaints to the commission [~~board~~]. The  
3 commission [~~board~~] may provide for that notification by including  
4 the information on each written contract relating to bodies willed  
5 or donated to an entity regulated by the commission [~~board~~] or  
6 authorized by the commission [~~board~~] to receive bodies.

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

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

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

23 Sec. 691.022. GENERAL DUTIES. (a) The commission [~~board~~]  
24 shall distribute bodies and anatomical specimens to [~~institutions~~  
25 ~~and other~~] persons authorized to receive a body or specimen under  
26 this chapter [~~them~~]. This subsection does not apply to a body or  
27 specimen donated to a registered non-transplant anatomical

1 donation organization.

2 (b) The commission [~~board~~] shall adopt rules to ensure that  
3 each body and anatomical specimen is treated with respect while in  
4 the custody of the commission [~~board~~] or person authorized to  
5 receive the body or specimen [~~an institution represented on the~~  
6 ~~board is treated with respect~~].

7 (c) The commission shall adopt rules, establish procedures,  
8 and prescribe forms necessary to administer and enforce this  
9 chapter, including rules establishing registration and inspection  
10 requirements and procedures. The commission may issue a reprimand,  
11 assess an administrative penalty, impose other penalties, or  
12 revoke, suspend, or probate a registration or other authorization  
13 for a violation of this chapter or a commission rule adopted under  
14 this chapter, including a violation related to an inspection  
15 conducted under Section 691.034, in the manner provided by Chapter  
16 651, Occupations Code.

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 about the options for  
22 donation authorized under this chapter [~~for purposes of education,~~  
23 ~~including forensic science education, or research of the risks and~~  
24 ~~benefits associated with donation~~]. The commission [~~board~~] shall  
25 make the document available on the commission's [~~board's~~] Internet  
26 website.

27 SECTION 1.10. Section 691.023, Health and Safety Code, is

1 amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

14 SECTION 1.14. Section 691.028, Health and Safety Code, is  
15 amended by amending Subsections (a) and (b) and adding Subsection  
16 (b-1) to read as follows:

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

23 (b) To be effective, the donor must provide informed consent  
24 by signing [~~sign~~] the will or other written instrument and it must  
25 be witnessed by two adults. The donor is not required to use a  
26 particular form or particular words in making the donation, but the  
27 will or other instrument must clearly convey:



1           (1) the donor's intent; and

2           (2) the donor's acknowledgment that the donor was  
3 informed about:

4                   (A) the consequences of the donation before  
5 providing consent;

6                   (B) the use the donee plans for the donated body  
7 parts; and

8                   (C) if applicable, any body part and the  
9 condition in which the body part will be returned to the person  
10 designated by the donor.

11           (b-1) For purposes of Subsection (b), the donor must be  
12 informed in writing about the information described by Subsection  
13 (b)(2) in a clear manner on a single piece of paper that is 8-1/2 by  
14 11 inches with 14-point type. The commission by rule shall design  
15 and adopt a form that complies with this subsection that willed body  
16 programs and non-transplant anatomical donation organizations must  
17 use.

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) willed body programs of schools and colleges of  
7 chiropractic, osteopathy, medicine, or dentistry incorporated in  
8 this state;

9 (2) forensic science programs;

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

15 (4) physicians; [~~and~~]

16 (5) anatomical facilities; and

17 (6) other persons as provided by this section.

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

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

1 commission [~~board~~] when required by the commission [~~board~~].

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

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

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

15 (e) This section does not apply to a body or anatomical  
16 specimen donated to a registered non-transplant anatomical  
17 donation organization.

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

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

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

24 (2) a label with a [the] statement that the container's  
25 contents are derived from human tissue [~~"CONTENTS DERIVED FROM~~  
26 ~~DONATED HUMAN TISSUE"~~] is affixed to the container in which the body  
27 or anatomical specimen is transported; and

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

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

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

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

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

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

19           SECTION 1.18. Section [691.032](#), Health and Safety Code, is  
20 amended to read as follows:

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

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

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

9 (b) A willed body program, non-transplant anatomical  
10 donation organization, [school, college,] or other person shall  
11 keep a permanent record of each body or anatomical specimen  
12 received from the commission [~~board~~] or the commission's [~~board's~~]  
13 representative. The record:

14 (1) must be sufficient to identify the body or  
15 anatomical specimen;

16 (2) must track the body or anatomical specimen from  
17 intake to final disposition; and

18 (3) may be inspected by the commission [~~board~~] or the  
19 commission's [~~board's~~] representative.

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

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

26 Sec. 691.034. REGULATION AND REGISTRATION OF PERSONS AND  
27 INSTITUTIONS USING BODIES AND ANATOMICAL SPECIMENS. (a) A willed

1 body program or non-transplant anatomical donation organization  
2 may not operate in this state unless the program or organization  
3 registers with the commission in the form and manner prescribed by  
4 the commission.

5 (a-1) To be eligible for registration under this section, a  
6 non-transplant anatomical donation organization must be accredited  
7 by the American Association of Tissue Banks under the association's  
8 Standards for Non-Transplant Anatomical Donation. The commission  
9 may issue conditional registration to a non-transplant anatomical  
10 donation organization that is not yet accredited.

11 (a-2) The commission [board] shall inspect and may approve  
12 willed body programs, anatomical facilities, [institutions] and  
13 other persons for the receipt and use of bodies and anatomical  
14 specimens under this chapter.

15 (a-3) A registered non-transplant anatomical donation  
16 organization is exempt from an inspection described by Subsection  
17 (a-2).

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

24 (b-1) Notwithstanding Subsection (a-3), the commission may  
25 inspect a non-transplant anatomical donation organization as part  
26 of an investigation described by Subsection (b).

27 (c) The commission [board] may suspend or revoke a willed

1 body program's, non-transplant anatomical donation organization's,  
2 anatomical facility's, or other person's registration or other [~~or~~  
3 ~~institution's~~] authorization to receive and use or dissect bodies  
4 or anatomical specimens if the commission [~~board~~] determines that  
5 the program, organization, facility, or person [~~or institution~~] has  
6 improperly used a body or anatomical specimen.

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

16 (e) A registered non-transplant anatomical donation  
17 organization must inform the commission within the time prescribed  
18 by commission rule if the organization loses its accreditation with  
19 the American Association of Tissue Banks.

20 (f) A commission member or holder of any license issued by  
21 the commission may not hold an ownership interest in a registered  
22 non-transplant anatomical donation organization.

23 (g) The commission shall adopt rules and procedures  
24 necessary to administer this section.

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

27 Sec. 651.005. REGULATION OF WILLED BODY PROGRAMS,

1 NON-TRANSPLANT ANATOMICAL DONATION ORGANIZATIONS, AND ANATOMICAL  
2 FACILITIES. The commission shall regulate willed body programs,  
3 non-transplant anatomical donation organizations, and anatomical  
4 facilities as provided by Chapter 691, Health and Safety Code, and  
5 in accordance with the powers and duties granted by this chapter to  
6 the extent necessary to regulate the programs, organizations, and  
7 facilities under that chapter.

8 SECTION 1.22. The following provisions of the Health and  
9 Safety Code are repealed:

- 10 (1) Section 691.003;
- 11 (2) Section 691.004;
- 12 (3) Section 691.005;
- 13 (4) Section 691.006;
- 14 (5) Sections 691.007(a), (b), and (d);
- 15 (6) Sections 691.008(b) and (d);
- 16 (7) the headings to Sections 691.007 and 691.008; and
- 17 (8) Section 691.009.

18 ARTICLE 2. CONFORMING AMENDMENTS

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

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



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

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

21 (b) This subchapter does not apply to:

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

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

27 (3) funds set apart out of earnings derived from

1 investment of funds held in trust for others, as administrative  
2 expenses of the trustee agency; or

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

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

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

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

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

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

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

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

24 (5) a forensic science program at:

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

27 (B) a private or independent institution of

1 higher education as defined by Section 61.003, Education Code;

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

8 (7) the Texas Funeral Service Commission; or

9 (8) a non-transplant anatomical donation organization  
10 [~~Anatomical Board of the State of Texas~~].

11 (b) Except for donations described by Subsections (a)(1)  
12 through (6), the Texas Funeral Service Commission or a  
13 non-transplant anatomical donation organization [~~Anatomical Board~~  
14 ~~of the State of Texas~~] shall be the donee of gifts of bodies or parts  
15 of bodies made for the purpose of education or research that are  
16 subject to distribution by the commission or organization [~~board~~]  
17 under Chapter 691.

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

22 (1) the number of bodies or parts of bodies that the  
23 program received; and

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

26 ARTICLE 3. TRANSITIONS AND EFFECTIVE DATE

27 SECTION 3.01. (a) The Anatomical Board of the State of

1 Texas is abolished but continues in existence until September 1,  
2 2024, for the sole purpose of transferring obligations, property,  
3 rights, powers, and duties to the Texas Funeral Service Commission.  
4 The Texas Funeral Service Commission assumes all of the  
5 obligations, property, rights, powers, and duties of the Anatomical  
6 Board of the State of Texas as they exist immediately before the  
7 effective date of this Act. All unexpended and unobligated funds  
8 under the management of the secretary-treasurer of the Anatomical  
9 Board of the State of Texas, as provided by Section 691.008, Health  
10 and Safety Code, as that section existed immediately before the  
11 effective date of this Act, are transferred to the general revenue  
12 fund for the purpose of the Texas Funeral Service Commission  
13 administering duties under Chapter 691, Health and Safety Code, as  
14 amended by this Act.

15 (b) The Anatomical Board of the State of Texas and the Texas  
16 Funeral Service Commission shall, in consultation with appropriate  
17 state entities, ensure that the transfer of the obligations,  
18 property, rights, powers, and duties of the Anatomical Board of the  
19 State of Texas to the Texas Funeral Service Commission is completed  
20 not later than September 1, 2024.

21 (c) All rules of the Anatomical Board of the State of Texas  
22 are continued in effect as rules of the Texas Funeral Service  
23 Commission until superseded by a rule of the Texas Funeral Service  
24 Commission. An authorization issued by the Anatomical Board of the  
25 State of Texas is continued in effect as provided by the law in  
26 effect immediately before the effective date of this Act. An  
27 authorization pending on the effective date of this Act is

1 continued without change in status after the effective date of this  
2 Act. A complaint, investigation, or other proceeding pending on  
3 the effective date of this Act is continued without change in status  
4 after the effective date of this Act.

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

8 (e) The terms of the members of the Anatomical Board of the  
9 State of Texas expire on September 1, 2024.

10 (f) For the state fiscal year ending August 31, 2024, the  
11 Texas Funeral Service Commission shall quarterly prepare and submit  
12 to the lieutenant governor, the speaker of the house of  
13 representatives, the Sunset Advisory Commission, and each standing  
14 committee of the legislature with primary jurisdiction over the  
15 Texas Funeral Service Commission a report on the progress of the  
16 transfer described by Subsection (a) of this section.

17 (g) Not later than December 1, 2024, the Texas Funeral  
18 Service Commission shall submit to the Sunset Advisory Commission  
19 and each standing committee of the legislature with primary  
20 jurisdiction over the Texas Funeral Service Commission any  
21 legislative recommendation necessary to improve the Texas Funeral  
22 Service Commission's administration of Chapter 691, Health and  
23 Safety Code, as amended by this Act.

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

1 by this Act.

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

12 SECTION 3.03. This Act takes effect September 1, 2023.