

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 ~~[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 (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 by rule [~~board~~] may
5 set and collect fees in amounts reasonable and necessary to cover
6 the cost of administering this chapter, including fees for:

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

9 (2) conducting inspections and other verification
10 activities authorized under Section 691.034; and

11 (3) registering willed body programs and
12 non-transplant anatomical donation organizations.

13 (b) A non-transplant anatomical donation organization is
14 exempt from a fee described by Subsection (a)(1).

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

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

24 (b) The commission [~~board~~] by rule shall establish methods
25 by which service recipients can be notified of the name, mailing
26 address, and telephone number of the commission [~~board~~] for the
27 purpose of directing complaints to the commission [~~board~~]. The

1 commission [~~board~~] may provide for that notification by including
2 the information on each written contract relating to bodies willed
3 or donated to an entity regulated by the commission [~~board~~] or
4 authorized by the commission [~~board~~] to receive bodies.

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

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

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

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

27 (b) The commission [~~board~~] shall adopt rules to ensure that

1 each body and anatomical specimen is treated with respect while in
2 the custody of the commission [~~board~~] or person authorized to
3 receive the body or specimen [~~an institution represented on the~~
4 ~~board is treated with respect~~].

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

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

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

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

27 Sec. 691.023. DUTY TO DELIVER CERTAIN BODIES TO COMMISSION

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

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

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

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

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

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

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

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

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

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

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

12 SECTION 1.14. Section 691.028, Health and Safety Code, is
13 amended by amending Subsections (a) and (b) and adding Subsection
14 (b-1) 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 willed body program of a medical or dental
18 school, a non-transplant anatomical donation organization, or
19 another donee authorized by the commission [~~board~~] to be used for
20 the advancement of medical or forensic science.

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

- 26 (1) the donor's intent; and
27 (2) the donor's acknowledgment that the donor was

1 informed about:

2 (A) the consequences of the donation before
3 providing consent;

4 (B) the use the donee plans for the donated body
5 parts; and

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

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

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

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

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

25 Sec. 691.030. COMMISSION'S [BOARD'S] AUTHORITY TO
26 DISTRIBUTE BODIES AND ANATOMICAL SPECIMENS. (a) The commission
27 [board] or the commission's [board's] representative shall

1 distribute bodies donated to it and may redistribute bodies donated
2 to medical or dental schools or other donees authorized by the
3 commission [~~board~~] to:

4 (1) willed body programs of schools and colleges of
5 chiropractic, osteopathy, medicine, or dentistry incorporated in
6 this state;

7 (2) forensic science programs;

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

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

14 (5) anatomical facilities; and

15 (6) 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 (e) This section does not apply to a body or anatomical
14 specimen donated to a registered non-transplant anatomical
15 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 a [the] statement that the container's
23 contents are derived from human tissue [~~"CONTENTS DERIVED FROM~~
24 ~~DONATED HUMAN TISSUE"~~] is affixed to the container in which the body
25 or anatomical specimen is transported; and

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

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

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

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

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

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

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

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

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

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

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

12 (1) must be sufficient to identify the body or
13 anatomical specimen;

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

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

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

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

24 Sec. 691.034. REGULATION AND REGISTRATION OF PERSONS AND
25 INSTITUTIONS USING BODIES AND ANATOMICAL SPECIMENS. (a) A willed
26 body program or non-transplant anatomical donation organization
27 may not operate in this state unless the program or organization

1 registers with the commission in the form and manner prescribed by
2 the commission.

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

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

13 (a-3) The commission shall establish a process to
14 periodically verify a non-transplant anatomical donation
15 organization's compliance with the Standards for Non-Transplant
16 Anatomical Donation published by the American Association of Tissue
17 Banks. The process:

18 (1) may authorize the commission to inspect a
19 non-transplant anatomical donation organization; and

20 (2) may not:

21 (A) be duplicative of the accreditation process
22 described by Subsection (a-1); or

23 (B) occur more frequently than once every five
24 years.

25 (b) The commission [board] may investigate a willed body
26 program, non-transplant anatomical donation organization,
27 anatomical facility, or other person [or institution] if the

1 commission [~~board~~] has reason to believe that the program,
2 organization, facility, or person [~~or institution~~] has improperly
3 used a body or anatomical specimen.

4 (b-1) The commission may inspect a non-transplant
5 anatomical donation organization as part of an investigation
6 described by Subsection (b).

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

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

23 (e) A registered non-transplant anatomical donation
24 organization must inform the commission within the time prescribed
25 by commission rule if the organization loses its accreditation with
26 the American Association of Tissue Banks.

27 (f) A commission member or holder of any license issued by

1 the commission may not hold an ownership interest in a registered
2 non-transplant anatomical donation organization.

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

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

7 Sec. 651.005. REGULATION OF WILLED BODY PROGRAMS,
8 NON-TRANSPLANT ANATOMICAL DONATION ORGANIZATIONS, AND ANATOMICAL
9 FACILITIES. The commission shall regulate willed body programs,
10 non-transplant anatomical donation organizations, and anatomical
11 facilities as provided by Chapter 691, Health and Safety Code, and
12 in accordance with the powers and duties granted by this chapter to
13 the extent necessary to regulate the programs, organizations, and
14 facilities under that chapter.

15 SECTION 1.22. Section 651.057(a), Occupations Code, is
16 amended to read as follows:

17 (a) The governor shall designate one member of the
18 commission as the presiding officer of the commission to serve in
19 that capacity at the pleasure of the governor [~~for three years. In~~
20 ~~designating presiding officers, the governor shall alternate~~
21 ~~between public and nonpublic members~~].

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

- 24 (1) Section 691.003;
- 25 (2) Section 691.004;
- 26 (3) Section 691.005;
- 27 (4) Section 691.006;

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

5 ARTICLE 2. CONFORMING AMENDMENTS

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

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

1 ~~Texas~~], the Director of the correctional institutions division of
2 the Texas Department of Criminal Justice [~~Department of~~
3 ~~Corrections~~] shall cause the body to be decently buried, and the fee
4 for embalming shall be paid by the county in which the indictment
5 which resulted in conviction was found.

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

8 (b) This subchapter does not apply to:

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

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

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

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

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

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

27 (a) An anatomical gift may be made to the following persons

1 named in the document of gift:

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

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

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

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

11 (5) a forensic science program at:

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

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

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

22 (7) the Texas Funeral Service Commission; or

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

25 (b) Except for donations described by Subsections (a)(1)
26 through (6), the Texas Funeral Service Commission or a
27 non-transplant anatomical donation organization [~~Anatomical Board~~

1 ~~of the State of Texas~~] shall be the donee of gifts of bodies or parts
2 of bodies made for the purpose of education or research that are
3 subject to distribution by the commission or organization ~~[board]~~
4 under Chapter 691.

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

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

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

13 ARTICLE 3. TRANSITIONS AND EFFECTIVE DATE

14 SECTION 3.01. (a) The Anatomical Board of the State of
15 Texas is abolished but continues in existence until September 1,
16 2024, for the sole purpose of transferring obligations, property,
17 rights, powers, and duties to the Texas Funeral Service Commission.
18 The Texas Funeral Service Commission assumes all of the
19 obligations, property, rights, powers, and duties of the Anatomical
20 Board of the State of Texas as they exist immediately before the
21 effective date of this Act. All unexpended and unobligated funds
22 under the management of the secretary-treasurer of the Anatomical
23 Board of the State of Texas, as provided by Section 691.008, Health
24 and Safety Code, as that section existed immediately before the
25 effective date of this Act, are transferred to the general revenue
26 fund for the purpose of the Texas Funeral Service Commission
27 administering duties under Chapter 691, Health and Safety Code, as

1 amended by this Act.

2 (b) The Anatomical Board of the State of Texas and the Texas
3 Funeral Service Commission shall, in consultation with appropriate
4 state entities, ensure that the transfer of the obligations,
5 property, rights, powers, and duties of the Anatomical Board of the
6 State of Texas to the Texas Funeral Service Commission is completed
7 not later than September 1, 2024.

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

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

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

24 (f) For the state fiscal year ending August 31, 2024, the
25 Texas Funeral Service Commission shall quarterly prepare and submit
26 to the lieutenant governor, the speaker of the house of
27 representatives, the Sunset Advisory Commission, and each standing

1 committee of the legislature with primary jurisdiction over the
2 Texas Funeral Service Commission a report on the progress of the
3 transfer described by Subsection (a) of this section.

4 (g) Not later than December 1, 2024, the Texas Funeral
5 Service Commission shall submit to the Sunset Advisory Commission
6 and each standing committee of the legislature with primary
7 jurisdiction over the Texas Funeral Service Commission any
8 legislative recommendation necessary to improve the Texas Funeral
9 Service Commission's administration of Chapter 691, Health and
10 Safety Code, as amended by this Act.

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

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

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

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 2040 passed the Senate on April 24, 2023, by the following vote: Yeas 30, Nays 0; and that the Senate concurred in House amendments on May 22, 2023, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 2040 passed the House, with amendments, on May 19, 2023, by the following vote: Yeas 144, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor