

By: Springer, et al.

S.B. No. 2040

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the continuation and transfer of the regulation of  
3 willed body programs to the Texas Funeral Service Commission, the  
4 regulation of willed body programs, non-transplant anatomical  
5 donation organizations, and anatomical facilities, and the  
6 creation of the State Anatomical Advisory Committee; requiring  
7 registration; authorizing fees; authorizing an administrative  
8 penalty.

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

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

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

14 CHAPTER 691. DONATION OF BODIES AND ANATOMICAL SPECIMENS

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

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

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

20 SECTION 1.03. Section 691.001, Health and Safety Code, is  
21 amended by amending Subdivision (1) and adding Subdivisions (1-a),  
22 (4), (5), and (6) to read as follows:

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

1           (1-a) "Anatomical facility" means a facility  
2 inspected and approved by the commission under Section 691.034 that  
3 does not operate as a willed body program or a non-transplant  
4 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, screening,  
9 testing, processing, storage, or distribution of tissue or human  
10 remains for any purpose other than transplantation into a living  
11 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~~].

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 for purposes of education,  
20 including forensic science education, or research of the risks and  
21 benefits associated with donation. The commission [~~board~~] shall  
22 make the document available on the commission's [~~board's~~] Internet  
23 website.

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

26 Sec. 691.023. DUTY TO DELIVER CERTAIN BODIES TO COMMISSION  
27 [~~BOARD~~]. (a) An officer, employee, or representative of the state,

1 of a political subdivision, or of an institution having charge or  
2 control of a body not claimed for burial or a body required to be  
3 buried at public expense shall:

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

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

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

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

19 SECTION 1.11. Section [691.025\(c\)](#), Health and Safety Code,  
20 is amended to read as follows:

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

25 SECTION 1.12. Section [691.026](#), Health and Safety Code, is  
26 amended to read as follows:

27 Sec. 691.026. BODY OF TRAVELER. If an unclaimed body is the

1 body of a traveler who died suddenly, the commission [~~board~~] shall  
2 direct the institution or other person receiving the body to retain  
3 the body for six months for purposes of identification.

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

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

11 SECTION 1.14. Sections 691.028(a) and (b), Health and  
12 Safety Code, are amended to read as follows:

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

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

- 24 (1) the donor's intent; and  
25 (2) the donor's acknowledgment that the donor was  
26 informed about the consequences of the donation before providing  
27 consent.



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

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

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

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

16 (1) willed body programs of schools and colleges of  
17 chiropractic, osteopathy, medicine, or dentistry incorporated in  
18 this state;

19 (2) forensic science programs;

20 (3) search and rescue organizations or recovery teams  
21 that are recognized by the commission [~~board~~], are exempt from  
22 federal taxation under Section 501(c)(3), Internal Revenue Code of  
23 1986, and use human remains detection canines with the  
24 authorization of a local or county law enforcement agency;

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

26 (5) anatomical facilities; and

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

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

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

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

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

21 (2) the body was donated in compliance with Chapter  
22 692A and the person authorized to make the donation under Section  
23 692A.009 authorized the commission [~~board~~] to transport the body  
24 outside this state.

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

27 SECTION 1.17. Sections 691.031(a), (b), and (f), Health and

1 Safety Code, are amended to read as follows:

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

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

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

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

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

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

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

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

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

27 SECTION 1.18. Section [691.032](#), Health and Safety Code, is

1 amended to read as follows:

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

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

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

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

22                   (1) must be sufficient to identify the body or  
23 anatomical specimen;

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

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

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

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

7 Sec. 691.034. REGULATION AND REGISTRATION OF PERSONS AND  
8 INSTITUTIONS USING BODIES AND ANATOMICAL SPECIMENS. (a) A willed  
9 body program or non-transplant anatomical donation organization  
10 may not operate in this state unless the program or organization  
11 registers with the commission in the form and manner prescribed by  
12 the commission.

13 (a-1) To be eligible for registration under this section, a  
14 non-transplant anatomical donation organization must be accredited  
15 by the American Association of Tissue Banks under the association's  
16 Standards for Non-Transplant Anatomical Donation.

17 (a-2) The commission [~~board~~] shall inspect and may approve  
18 willed body programs, anatomical facilities, [~~institutions~~] and  
19 other persons for the receipt and use of bodies and anatomical  
20 specimens under this chapter.

21 (a-3) A registered non-transplant anatomical donation  
22 organization is exempt from an inspection described by Subsection  
23 (a-2).

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

1 organization, facility, or person [~~or institution~~] has improperly  
2 used a body or anatomical specimen.

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

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

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

23 (f) A commission member or holder of any license issued by  
24 the commission may not hold more than a 10 percent ownership  
25 interest in a registered non-transplant anatomical donation  
26 organization.

27 (g) The commission shall adopt rules and procedures

1 necessary to administer this section.

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

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

12 SECTION 1.22. The following provisions of the Health and  
13 Safety Code are repealed:

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

22 ARTICLE 2. CONFORMING AMENDMENTS

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

25 Art. 43.25. BODY OF CONVICT. The body of a convict who has  
26 been legally executed shall be embalmed immediately and so directed  
27 by the Director of the correctional institutions division of the

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

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

25 (b) This subchapter does not apply to:

26 (1) funds pledged to the payment of bonds, notes, or  
27 other debts if the funds are not otherwise required to be deposited



1 in the treasury;

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

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

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

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

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

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

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

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

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

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

1 (5) a forensic science program at:

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

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

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

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

14 (b) Except for donations described by Subsections (a)(1)  
15 through (6), the Texas Funeral Service Commission [~~Anatomical Board~~  
16 ~~of the State of Texas~~] shall be the donee of gifts of bodies or parts  
17 of bodies made for the purpose of education or research that are  
18 subject to distribution by the commission [~~board~~] under Chapter  
19 691.

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

24 (1) the number of bodies or parts of bodies that the  
25 program received; and

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

1                   ARTICLE 3. TRANSITIONS AND EFFECTIVE DATE

2                   SECTION 3.01. (a) The Anatomical Board of the State of Texas  
3 is abolished but continues in existence until September 1, 2024,  
4 for the sole purpose of transferring obligations, property, rights,  
5 powers, and duties to the Texas Funeral Service Commission. The  
6 Texas Funeral Service Commission assumes all of the obligations,  
7 property, rights, powers, and duties of the Anatomical Board of the  
8 State of Texas as they exist immediately before the effective date  
9 of this Act. All unexpended and unobligated funds under the  
10 management of the secretary-treasurer of the Anatomical Board of  
11 the State of Texas, as provided by Section 691.008, Health and  
12 Safety Code, as that section existed immediately before the  
13 effective date of this Act, are transferred to the general revenue  
14 fund for the purpose of the Texas Funeral Service Commission  
15 administering duties under Chapter 691, Health and Safety Code, as  
16 amended by this Act.

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

23                   (c) All rules of the Anatomical Board of the State of Texas  
24 are continued in effect as rules of the Texas Funeral Service  
25 Commission until superseded by a rule of the Texas Funeral Service  
26 Commission. An authorization issued by the Anatomical Board of the  
27 State of Texas is continued in effect as provided by the law in

1 effect immediately before the effective date of this Act. An  
2 authorization pending on the effective date of this Act is  
3 continued without change in status after the effective date of this  
4 Act. A complaint, investigation, or other proceeding pending on the  
5 effective date of this Act is continued without change in status  
6 after the effective date of this Act.

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

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

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

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

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