

1-1 By: Springer, et al. S.B. No. 2040
 1-2 (In the Senate - Filed March 9, 2023; March 21, 2023, read
 1-3 first time and referred to Committee on Business & Commerce;
 1-4 April 19, 2023, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 9, Nays 0; April 19, 2023,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10			X	
1-11	X			
1-12	X			
1-13			X	
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			
1-19	X			

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 2040 By: Nichols

1-21 A BILL TO BE ENTITLED
 1-22 AN ACT

1-23 relating to the continuation and transfer of the regulation of
 1-24 willed body programs to the Texas Funeral Service Commission, the
 1-25 regulation of willed body programs, non-transplant anatomical
 1-26 donation organizations, and anatomical facilities, and the
 1-27 creation of the State Anatomical Advisory Committee; requiring
 1-28 registration; authorizing fees; authorizing an administrative
 1-29 penalty.

1-30 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-31 ARTICLE 1. STATE ANATOMICAL ADVISORY COMMITTEE; TEXAS FUNERAL
 1-32 SERVICE COMMISSION

1-33 SECTION 1.01. The heading to Chapter 691, Health and Safety
 1-34 Code, is amended to read as follows:

1-35 CHAPTER 691. DONATION OF BODIES AND ANATOMICAL SPECIMENS
 1-36 ~~[ANATOMICAL BOARD OF THE STATE OF TEXAS]~~

1-37 SECTION 1.02. The heading to Subchapter A, Chapter 691,
 1-38 Health and Safety Code, is amended to read as follows:

1-39 SUBCHAPTER A. GENERAL PROVISIONS; STATE ~~[ORGANIZATION OF]~~
 1-40 ANATOMICAL ADVISORY COMMITTEE ~~[BOARD OF THE STATE OF TEXAS]~~

1-41 SECTION 1.03. Section 691.001, Health and Safety Code, is
 1-42 amended by amending Subdivision (1) and adding Subdivisions (1-a),
 1-43 (4), (5), and (6) to read as follows:

1-44 (1) "Advisory committee ~~[Board]~~" means the State
 1-45 Anatomical Advisory Committee ~~[Board of the State of Texas]~~.

1-46 (1-a) "Anatomical facility" means a facility in this
 1-47 state inspected and approved by the commission under Section
 1-48 691.034 that does not operate as a willed body program or a
 1-49 non-transplant anatomical donation organization.

1-50 (4) "Commission" means the Texas Funeral Service
 1-51 Commission.

1-52 (5) "Non-transplant anatomical donation organization"
 1-53 means a person accredited to engage in the recovery, receipt,
 1-54 screening, testing, processing, storage, or distribution of tissue
 1-55 or human remains for any purpose other than transplantation into a
 1-56 living individual in this state.

1-57 (6) "Willed body program" means a program operated at
 1-58 an institution of higher education in this state that allows a
 1-59 living individual to donate the individual's body or anatomical
 1-60 specimen for educational or research purposes.

2-1 SECTION 1.04. Section 691.002, Health and Safety Code, is
2-2 amended to read as follows:

2-3 Sec. 691.002. ADVISORY COMMITTEE [~~COMPOSITION OF BOARD~~].

2-4 (a) The State Anatomical Advisory Committee is established to
2-5 advise and provide expertise to the commission on matters related
2-6 to the regulation and operation of willed body programs,
2-7 non-transplant anatomical donation organizations, and anatomical
2-8 facilities in this state.

2-9 (b) The advisory committee is composed of seven members
2-10 appointed by the commission as follows:

2-11 (1) two members who represent institutions of higher
2-12 education that operate willed body programs;

2-13 (2) two members who represent non-transplant
2-14 anatomical donation organizations;

2-15 (3) two members who represent anatomical facilities;
2-16 and

2-17 (4) one public member [~~The Anatomical Board of the~~
2-18 ~~State of Texas is composed of one representative from each school or~~
2-19 ~~college of chiropractic, osteopathy, medicine, or dentistry~~
2-20 ~~incorporated in this state].~~

2-21 (c) Members of the advisory committee serve two-year terms
2-22 [~~(b) On March 1 of each odd-numbered year, the chief executive~~
2-23 ~~officer of each institution described by Subsection (a) shall~~
2-24 ~~appoint as the institution's representative on the board one~~
2-25 ~~professor of surgery or of basic anatomical sciences who is~~
2-26 ~~associated with the institution].~~

2-27 (d) An advisory committee member may be reappointed.

2-28 (e) [~~(c)~~] Appointments to the advisory committee [~~board~~]
2-29 shall be made without regard to the race, creed, sex, religion, or
2-30 national origin of the appointees.

2-31 (f) Sections 2110.002 and 2110.008, Government Code, do not
2-32 apply to the advisory committee.

2-33 SECTION 1.05. Section 691.007(c), Health and Safety Code,
2-34 is redesignated as Section 691.011, Health and Safety Code, and
2-35 amended to read as follows:

2-36 Sec. 691.011. RECORDS. [~~(c)~~] The commission [~~board~~] shall
2-37 keep identification records of each body donated to the commission
2-38 [~~board~~] and of each body or anatomical specimen distributed by the
2-39 commission [~~board~~].

2-40 SECTION 1.06. Section 691.008(a), Health and Safety Code,
2-41 is redesignated as Section 691.012, Health and Safety Code, and
2-42 amended to read as follows:

2-43 Sec. 691.012. FEES. (a) The commission [~~board~~] may set and
2-44 collect reasonable and necessary fees for the cost of administering
2-45 this chapter, including:

2-46 (1) receiving and distributing bodies and anatomical
2-47 specimens; and

2-48 (2) conducting inspections of willed body programs and
2-49 anatomical facilities.

2-50 (b) The commission by rule may establish fees for the
2-51 registration of willed body programs and non-transplant anatomical
2-52 donation organizations in amounts reasonable and necessary to cover
2-53 the cost of administering this chapter.

2-54 (c) A non-transplant anatomical donation organization is
2-55 exempt from a fee described by Subsection (a)(1).

2-56 SECTION 1.07. Section 691.010, Health and Safety Code, is
2-57 amended to read as follows:

2-58 Sec. 691.010. PUBLIC INFORMATION AND PARTICIPATION;
2-59 COMPLAINTS. (a) The commission [~~board~~] shall prepare information
2-60 of public interest describing the functions of the commission under
2-61 this chapter [~~board~~] and the commission's [~~board's~~] procedures by
2-62 which complaints are filed with and resolved by the commission
2-63 [~~board~~]. The commission [~~board~~] shall make the information
2-64 available to the public and appropriate state agencies.

2-65 (b) The commission [~~board~~] by rule shall establish methods
2-66 by which service recipients can be notified of the name, mailing
2-67 address, and telephone number of the commission [~~board~~] for the
2-68 purpose of directing complaints to the commission [~~board~~]. The
2-69 commission [~~board~~] may provide for that notification by including

3-1 the information on each written contract relating to bodies willed
 3-2 or donated to an entity regulated by the commission [board] or
 3-3 authorized by the commission [board] to receive bodies.

3-4 (c) The commission [board] shall keep an information file
 3-5 about each complaint filed with the commission [board] relating to
 3-6 its functions under this chapter. If a written complaint is filed
 3-7 with the commission [board] relating to a person or an entity
 3-8 regulated by the commission under this chapter [board], the
 3-9 commission [board, at least as frequently as quarterly and until
 3-10 final disposition of the complaint,] shall periodically notify the
 3-11 parties to the complaint of the status of the complaint until final
 3-12 disposition unless notice would jeopardize an undercover
 3-13 investigation.

3-14 (d) The commission [board] shall develop and implement
 3-15 policies that provide the public with a reasonable opportunity to
 3-16 appear before the commission [board] and to speak on any issue under
 3-17 the jurisdiction of the commission [board].

3-18 SECTION 1.08. Section 691.022, Health and Safety Code, is
 3-19 amended to read as follows:

3-20 Sec. 691.022. GENERAL DUTIES. (a) The commission [board]
 3-21 shall distribute bodies and anatomical specimens to [institutions
 3-22 and other] persons authorized to receive a body or specimen under
 3-23 this chapter [them].

3-24 (b) The commission [board] shall adopt rules to ensure that
 3-25 each body and anatomical specimen is treated with respect while in
 3-26 the custody of the commission [board] or person authorized to
 3-27 receive the body or specimen [an institution represented on the
 3-28 board is treated with respect].

3-29 (c) The commission shall adopt rules, establish procedures,
 3-30 and prescribe forms necessary to administer and enforce this
 3-31 chapter, including rules establishing registration and inspection
 3-32 requirements and procedures. The commission may issue a reprimand,
 3-33 assess an administrative penalty, impose other penalties, or
 3-34 revoke, suspend, or probate a registration or other authorization
 3-35 for a violation of this chapter or a commission rule adopted under
 3-36 this chapter, including a violation related to an inspection
 3-37 conducted under Section 691.034, in the manner provided by Chapter
 3-38 651, Occupations Code.

3-39 (d) This section does not apply to a body or anatomical
 3-40 specimen donated to a registered non-transplant anatomical
 3-41 donation organization.

3-42 SECTION 1.09. Section 691.0225, Health and Safety Code, is
 3-43 amended to read as follows:

3-44 Sec. 691.0225. INFORMATIONAL DOCUMENT. The commission
 3-45 [board] shall develop a document to inform a person making a gift of
 3-46 a decedent's body or anatomical specimen about the options for
 3-47 donation authorized under this chapter [for purposes of education,
 3-48 including forensic science education, or research of the risks and
 3-49 benefits associated with donation]. The commission [board] shall
 3-50 make the document available on the commission's [board's] Internet
 3-51 website.

3-52 SECTION 1.10. Section 691.023, Health and Safety Code, is
 3-53 amended to read as follows:

3-54 Sec. 691.023. DUTY TO DELIVER CERTAIN BODIES TO COMMISSION
 3-55 [BOARD]. (a) An officer, employee, or representative of the state,
 3-56 of a political subdivision, or of an institution having charge or
 3-57 control of a body not claimed for burial or a body required to be
 3-58 buried at public expense shall:

3-59 (1) notify the commission [board] or the commission's
 3-60 [board's] representative of the body's existence when the body
 3-61 comes into the person's possession, charge, or control if notified
 3-62 in writing to do so by the commission [board] or the commission's
 3-63 [board's] representative;

3-64 (2) deliver the body in accordance with the direction
 3-65 of the commission [board]; and

3-66 (3) allow the commission [board], the commission's
 3-67 [board's] representative, or a physician designated by the
 3-68 commission [board] who complies with this chapter to remove the
 3-69 body to be used for the advancement of medical or forensic science.

4-1 (b) If the commission [~~board~~] does not require a political
4-2 subdivision or agency of the political subdivision to deliver a
4-3 body under this section, the political subdivision shall pay all
4-4 costs of preparation for burial, including costs of embalming.

4-5 SECTION 1.11. Section 691.025(c), Health and Safety Code,
4-6 is amended to read as follows:

4-7 (c) A body that is not claimed for burial within 48 hours
4-8 after a relative receives notification shall be delivered as soon
4-9 as possible to the commission [~~board~~] or the commission's [~~board's~~]
4-10 representative.

4-11 SECTION 1.12. Section 691.026, Health and Safety Code, is
4-12 amended to read as follows:

4-13 Sec. 691.026. BODY OF TRAVELER. If an unclaimed body is the
4-14 body of a traveler who died suddenly, the commission [~~board~~] shall
4-15 direct the institution or other person receiving the body to retain
4-16 the body for six months for purposes of identification.

4-17 SECTION 1.13. Section 691.027, Health and Safety Code, is
4-18 amended to read as follows:

4-19 Sec. 691.027. AUTOPSY. Only the commission [~~board~~] may
4-20 grant permission to perform an autopsy on an unclaimed body. The
4-21 commission [~~board~~] may grant permission after receiving a specific
4-22 request for an autopsy that shows sufficient evidence of medical
4-23 urgency.

4-24 SECTION 1.14. Sections 691.028(a) and (b), Health and
4-25 Safety Code, are amended to read as follows:

4-26 (a) An adult living in this state who is of sound mind may
4-27 donate the adult's body by will or other written instrument to the
4-28 commission [~~board~~], a willed body program of a medical or dental
4-29 school, a non-transplant anatomical donation organization, or
4-30 another donee authorized by the commission [~~board~~], to be used for
4-31 the advancement of medical or forensic science.

4-32 (b) To be effective, the donor must provide informed consent
4-33 by signing [~~sign~~] the will or other written instrument and it must
4-34 be witnessed by two adults. The donor is not required to use a
4-35 particular form or particular words in making the donation, but the
4-36 will or other instrument must clearly convey:

4-37 (1) the donor's intent; and
4-38 (2) the donor's acknowledgment that the donor was
4-39 informed about:

4-40 (A) the consequences of the donation before
4-41 providing consent;

4-42 (B) the use the donee plans for the donated body
4-43 parts; and

4-44 (C) if applicable, any body part and the
4-45 condition in which the body part will be returned to the person
4-46 designated by the donor.

4-47 SECTION 1.15. Section 691.029, Health and Safety Code, is
4-48 amended to read as follows:

4-49 Sec. 691.029. AUTHORITY TO RECEIVE, DISTRIBUTE, AND
4-50 TRANSFER [~~ACCEPT~~] BODIES OR ANATOMICAL SPECIMENS [~~FROM OUTSIDE THE~~
4-51 ~~STATE~~]. The commission [~~board~~] may receive, distribute, and
4-52 transfer a body or anatomical specimen from inside or [~~a body~~
4-53 ~~transported to the board from~~] outside this state.

4-54 SECTION 1.16. Section 691.030, Health and Safety Code, is
4-55 amended to read as follows:

4-56 Sec. 691.030. COMMISSION'S [~~BOARD'S~~] AUTHORITY TO
4-57 DISTRIBUTE BODIES AND ANATOMICAL SPECIMENS. (a) The commission
4-58 [~~board~~] or the commission's [~~board's~~] representative shall
4-59 distribute bodies donated to it and may redistribute bodies donated
4-60 to medical or dental schools or other donees authorized by the
4-61 commission [~~board~~] to:

4-62 (1) willed body programs of schools and colleges of
4-63 chiropractic, osteopathy, medicine, or dentistry incorporated in
4-64 this state;

4-65 (2) forensic science programs;

4-66 (3) search and rescue organizations or recovery teams
4-67 that are recognized by the commission [~~board~~], are exempt from
4-68 federal taxation under Section 501(c)(3), Internal Revenue Code of
4-69 1986, and use human remains detection canines with the

5-1 authorization of a local or county law enforcement agency;
5-2 (4) physicians; ~~and~~
5-3 (5) anatomical facilities; and
5-4 (6) other persons as provided by this section.

5-5 (b) In making the distribution, the commission ~~[board]~~
5-6 shall give priority to the schools and colleges that need bodies for
5-7 lectures and demonstrations.

5-8 (c) If the commission ~~[board]~~ has remaining bodies, the
5-9 commission ~~[board]~~ or the commission's ~~[board's]~~ representative
5-10 shall distribute or redistribute those bodies to the schools and
5-11 colleges proportionately and equitably according to the number of
5-12 students in each school or college receiving instruction or
5-13 demonstration in normal or morbid anatomy and operative surgery.
5-14 The dean of each school or college shall certify that number to the
5-15 commission ~~[board]~~ when required by the commission ~~[board]~~.

5-16 (d) The commission ~~[board]~~ may transport a body or
5-17 anatomical specimen to an authorized recipient in another state if
5-18 the commission ~~[board]~~ determines that the supply of bodies or
5-19 anatomical specimens in this state exceeds the need for bodies or
5-20 anatomical specimens in this state and if:

5-21 (1) the deceased donated the deceased's ~~[his]~~ body in
5-22 compliance with Section 691.028 and at the time of the donation
5-23 authorized the commission ~~[board]~~ to transport the body outside
5-24 this state; or

5-25 (2) the body was donated in compliance with Chapter
5-26 692A and the person authorized to make the donation under Section
5-27 692A.009 authorized the commission ~~[board]~~ to transport the body
5-28 outside this state.

5-29 (e) This section does not apply to a body or anatomical
5-30 specimen donated to a registered non-transplant anatomical
5-31 donation organization.

5-32 SECTION 1.17. Sections 691.031(a), (b), and (f), Health and
5-33 Safety Code, are amended to read as follows:

5-34 (a) The commission ~~[board]~~ shall adopt rules to ensure that:

5-35 (1) each body or anatomical specimen received or
5-36 distributed under this chapter ~~[by the board]~~ is properly
5-37 transported;

5-38 (2) a label with a ~~[the]~~ statement that the container's
5-39 contents are derived from human tissue ~~["CONTENTS DERIVED FROM~~
5-40 ~~DONATED HUMAN TISSUE"]~~ is affixed to the container in which the body
5-41 or anatomical specimen is transported; and

5-42 (3) each person who has control or possession of a body
5-43 or anatomical specimen:

5-44 (A) satisfactorily completes the information
5-45 required on a chain-of-custody form prescribed by the commission
5-46 ~~[board]~~;

5-47 (B) maintains a copy of the form for the person's
5-48 records; and

5-49 (C) transfers the form to any other person to
5-50 whom control or possession of the body or anatomical specimen is
5-51 transferred.

5-52 (b) The commission ~~[board]~~ may employ a public carrier to
5-53 transport bodies or anatomical specimens received or distributed by
5-54 the commission ~~[board]~~.

5-55 (f) The sender and receiver of each body or anatomical
5-56 specimen shall file the records required under this section in
5-57 accordance with commission ~~[board]~~ rules so that the commission
5-58 ~~[board]~~ or a district or county attorney may inspect the records at
5-59 any time.

5-60 SECTION 1.18. Section 691.032, Health and Safety Code, is
5-61 amended to read as follows:

5-62 Sec. 691.032. COSTS OF DISTRIBUTION. A person or
5-63 institution receiving a body or anatomical specimen under this
5-64 chapter shall pay in a manner specified by the commission ~~[board]~~,
5-65 or as otherwise agreed on, all costs incurred in distributing the
5-66 body or anatomical specimen so that the state, a county, a
5-67 municipality, or an officer, employee, or representative of the
5-68 state, a county, or a municipality does not incur any expense.

5-69 SECTION 1.19. Sections 691.033(a), (b), and (d), Health and

6-1 Safety Code, are amended to read as follows:

6-2 (a) To further medical or forensic science, a willed body
6-3 program, non-transplant anatomical donation organization,
6-4 anatomical facility, [school, college,] or other person designated
6-5 by the commission [board] may use, dissect, operate on, examine,
6-6 and experiment on a body or anatomical specimen distributed under
6-7 this chapter.

6-8 (b) A willed body program, non-transplant anatomical
6-9 donation organization, [school, college,] or other person shall
6-10 keep a permanent record of each body or anatomical specimen
6-11 received from the commission [board] or the commission's [board's]
6-12 representative. The record:

6-13 (1) must be sufficient to identify the body or
6-14 anatomical specimen;

6-15 (2) must track the body or anatomical specimen from
6-16 intake to final disposition; and

6-17 (3) may be inspected by the commission [board] or the
6-18 commission's [board's] representative.

6-19 (d) To aid prosecutions under Section 42.08, Penal Code, the
6-20 commission [board] shall adopt rules that clearly state the
6-21 activities that are authorized by the commission [board] in
6-22 relation to the use or dissection of a body.

6-23 SECTION 1.20. Section 691.034, Health and Safety Code, is
6-24 amended to read as follows:

6-25 Sec. 691.034. REGULATION AND REGISTRATION OF PERSONS AND
6-26 INSTITUTIONS USING BODIES AND ANATOMICAL SPECIMENS. (a) A willed
6-27 body program or non-transplant anatomical donation organization
6-28 may not operate in this state unless the program or organization
6-29 registers with the commission in the form and manner prescribed by
6-30 the commission.

6-31 (a-1) To be eligible for registration under this section, a
6-32 non-transplant anatomical donation organization must be accredited
6-33 by the American Association of Tissue Banks under the association's
6-34 Standards for Non-Transplant Anatomical Donation. The commission
6-35 may issue conditional registration to a non-transplant anatomical
6-36 donation organization that is not yet accredited.

6-37 (a-2) The commission [board] shall inspect and may approve
6-38 willed body programs, anatomical facilities, [institutions] and
6-39 other persons for the receipt and use of bodies and anatomical
6-40 specimens under this chapter.

6-41 (a-3) A registered non-transplant anatomical donation
6-42 organization is exempt from an inspection described by Subsection
6-43 (a-2).

6-44 (b) The commission [board] may investigate a willed body
6-45 program, non-transplant anatomical donation organization,
6-46 anatomical facility, or other person [or institution] if the
6-47 commission [board] has reason to believe that the program,
6-48 organization, facility, or person [or institution] has improperly
6-49 used a body or anatomical specimen.

6-50 (b-1) Notwithstanding Subsection (a-3), the commission may
6-51 inspect a non-transplant anatomical donation organization as part
6-52 of an investigation described by Subsection (b).

6-53 (c) The commission [board] may suspend or revoke a willed
6-54 body program's, non-transplant anatomical donation organization's,
6-55 anatomical facility's, or other person's registration or other [or
6-56 institution's] authorization to receive and use or dissect bodies
6-57 or anatomical specimens if the commission [board] determines that
6-58 the program, organization, facility, or person [or institution] has
6-59 improperly used a body or anatomical specimen.

6-60 (d) A willed body program, non-transplant anatomical
6-61 donation organization, anatomical facility, or other person [or
6-62 institution] is entitled to a hearing before the commission [board]
6-63 or a hearing examiner appointed by the commission [board] before
6-64 the commission [board] may revoke the program's, organization's,
6-65 facility's, or person's registration or other [or institution's]
6-66 authorization to receive and use or dissect bodies or anatomical
6-67 specimens. The commission [board] shall make all final decisions
6-68 to suspend or revoke an authorization.

6-69 (e) A registered non-transplant anatomical donation

7-1 organization must inform the commission within the time prescribed
7-2 by commission rule if the organization loses its accreditation with
7-3 the American Association of Tissue Banks.

7-4 (f) A commission member or holder of any license issued by
7-5 the commission may not hold an ownership interest in a registered
7-6 non-transplant anatomical donation organization.

7-7 (g) The commission shall adopt rules and procedures
7-8 necessary to administer this section.

7-9 SECTION 1.21. Subchapter A, Chapter 651, Occupations Code,
7-10 is amended by adding Section 651.005 to read as follows:

7-11 Sec. 651.005. REGULATION OF WILLED BODY PROGRAMS,
7-12 NON-TRANSPLANT ANATOMICAL DONATION ORGANIZATIONS, AND ANATOMICAL
7-13 FACILITIES. The commission shall regulate willed body programs,
7-14 non-transplant anatomical donation organizations, and anatomical
7-15 facilities as provided by Chapter 691, Health and Safety Code, and
7-16 in accordance with the powers and duties granted by this chapter to
7-17 the extent necessary to regulate the programs, organizations, and
7-18 facilities under that chapter.

7-19 SECTION 1.22. The following provisions of the Health and
7-20 Safety Code are repealed:

- 7-21 (1) Section 691.003;
- 7-22 (2) Section 691.004;
- 7-23 (3) Section 691.005;
- 7-24 (4) Section 691.006;
- 7-25 (5) Sections 691.007(a), (b), and (d);
- 7-26 (6) Sections 691.008(b) and (d);
- 7-27 (7) the headings to Sections 691.007 and 691.008; and
- 7-28 (8) Section 691.009.

7-29 ARTICLE 2. CONFORMING AMENDMENTS

7-30 SECTION 2.01. Article 43.25, Code of Criminal Procedure, is
7-31 amended to read as follows:

7-32 Art. 43.25. BODY OF CONVICT. The body of a convict who has
7-33 been legally executed shall be embalmed immediately and so directed
7-34 by the Director of the correctional institutions division of the
7-35 Texas Department of Criminal Justice [~~Department of Corrections~~].
7-36 If the body is not demanded or requested by a relative or bona fide
7-37 friend within forty-eight hours after execution then it shall be
7-38 delivered to the Texas Funeral Service Commission [~~Anatomical Board~~
7-39 ~~of the State of Texas~~], if requested by the commission [~~Board~~]. If
7-40 the body is requested by a relative, a bona fide friend, or the
7-41 Texas Funeral Service Commission [~~Anatomical Board of the State of~~
7-42 ~~Texas~~], such recipient shall pay a fee [~~of~~] not to exceed
7-43 twenty-five dollars to the mortician for the mortician's [~~his~~]
7-44 services in embalming the body for which the mortician shall issue
7-45 to the recipient a written receipt. When such receipt is delivered
7-46 to the Director of the correctional institutions division of the
7-47 Texas Department of Criminal Justice [~~Department of Corrections~~],
7-48 the body of the deceased shall be delivered to the party named in
7-49 the receipt or the party's [~~his~~] authorized agent. If the body is
7-50 not delivered to a relative, a bona fide friend, or the Texas
7-51 Funeral Service Commission [~~Anatomical Board of the State of~~
7-52 ~~Texas~~], the Director of the correctional institutions division of
7-53 the Texas Department of Criminal Justice [~~Department of~~
7-54 ~~Corrections~~] shall cause the body to be decently buried, and the fee
7-55 for embalming shall be paid by the county in which the indictment
7-56 which resulted in conviction was found.

7-57 SECTION 2.02. Section 404.093(b), Government Code, is
7-58 amended to read as follows:

- 7-59 (b) This subchapter does not apply to:
 - 7-60 (1) funds pledged to the payment of bonds, notes, or
 - 7-61 other debts if the funds are not otherwise required to be deposited
 - 7-62 in the treasury;
 - 7-63 (2) funds held in trust or escrow for the benefit of a
 - 7-64 person or entity other than a state agency;
 - 7-65 (3) funds set apart out of earnings derived from
 - 7-66 investment of funds held in trust for others, as administrative
 - 7-67 expenses of the trustee agency; or
 - 7-68 (4) funds, grants, donations, and proceeds from funds,
 - 7-69 grants, and donations, given in trust to the Texas State Library and

8-1 Archives Commission for the establishment and maintenance of
8-2 regional historical resource depositories and libraries in
8-3 accordance with Section 441.154[, or
8-4 ~~[(5) funds under the management of the~~
8-5 ~~secretary-treasurer of the Anatomical Board of the State of Texas,~~
8-6 ~~as provided by Section 691.008, Health and Safety Code].~~

8-7 SECTION 2.03. Sections 692A.011(a), (b), and (c), Health
8-8 and Safety Code, are amended to read as follows:

8-9 (a) An anatomical gift may be made to the following persons
8-10 named in the document of gift:

8-11 (1) an organ procurement organization to be used for
8-12 transplantation, therapy, research, or education;

8-13 (2) a hospital to be used for research;

8-14 (3) subject to Subsection (d), an individual
8-15 designated by the person making the anatomical gift if the
8-16 individual is the recipient of the part;

8-17 (4) an eye bank or tissue bank, except that use of a
8-18 gift of a whole body must be coordinated through the Texas Funeral
8-19 Service Commission [~~Anatomical Board of the State of Texas~~];

8-20 (5) a forensic science program at:

8-21 (A) a general academic teaching institution as
8-22 defined by Section 61.003, Education Code; or

8-23 (B) a private or independent institution of
8-24 higher education as defined by Section 61.003, Education Code;

8-25 (6) a search and rescue organization or recovery team
8-26 that is recognized by the Texas Funeral Service Commission
8-27 [~~Anatomical Board of the State of Texas~~], is exempt from federal
8-28 taxation under Section 501(c)(3), Internal Revenue Code of 1986,
8-29 and uses human remains detection canines with the authorization of
8-30 a local or county law enforcement agency; [~~or~~]

8-31 (7) the Texas Funeral Service Commission; or

8-32 (8) a non-transplant anatomical donation organization
8-33 [~~Anatomical Board of the State of Texas~~].

8-34 (b) Except for donations described by Subsections (a)(1)
8-35 through (6), the Texas Funeral Service Commission or a
8-36 non-transplant anatomical donation organization [~~Anatomical Board~~
8-37 ~~of the State of Texas~~] shall be the donee of gifts of bodies or parts
8-38 of bodies made for the purpose of education or research that are
8-39 subject to distribution by the commission or organization [~~board~~]
8-40 under Chapter 691.

8-41 (c) A forensic science program that receives a donation
8-42 under Subsection (a)(5) must submit a report to the Texas Funeral
8-43 Service Commission [~~Anatomical Board of the State of Texas~~] on a
8-44 quarterly basis that lists:

8-45 (1) the number of bodies or parts of bodies that the
8-46 program received; and

8-47 (2) the method in which the program used the bodies or
8-48 parts of bodies for education or research.

8-49 ARTICLE 3. TRANSITIONS AND EFFECTIVE DATE

8-50 SECTION 3.01. (a) The Anatomical Board of the State of Texas
8-51 is abolished but continues in existence until September 1, 2024,
8-52 for the sole purpose of transferring obligations, property, rights,
8-53 powers, and duties to the Texas Funeral Service Commission. The
8-54 Texas Funeral Service Commission assumes all of the obligations,
8-55 property, rights, powers, and duties of the Anatomical Board of the
8-56 State of Texas as they exist immediately before the effective date
8-57 of this Act. All unexpended and unobligated funds under the
8-58 management of the secretary-treasurer of the Anatomical Board of
8-59 the State of Texas, as provided by Section 691.008, Health and
8-60 Safety Code, as that section existed immediately before the
8-61 effective date of this Act, are transferred to the general revenue
8-62 fund for the purpose of the Texas Funeral Service Commission
8-63 administering duties under Chapter 691, Health and Safety Code, as
8-64 amended by this Act.

8-65 (b) The Anatomical Board of the State of Texas and the Texas
8-66 Funeral Service Commission shall, in consultation with appropriate
8-67 state entities, ensure that the transfer of the obligations,
8-68 property, rights, powers, and duties of the Anatomical Board of the
8-69 State of Texas to the Texas Funeral Service Commission is completed

9-1 not later than September 1, 2024.

9-2 (c) All rules of the Anatomical Board of the State of Texas
9-3 are continued in effect as rules of the Texas Funeral Service
9-4 Commission until superseded by a rule of the Texas Funeral Service
9-5 Commission. An authorization issued by the Anatomical Board of the
9-6 State of Texas is continued in effect as provided by the law in
9-7 effect immediately before the effective date of this Act. An
9-8 authorization pending on the effective date of this Act is
9-9 continued without change in status after the effective date of this
9-10 Act. A complaint, investigation, or other proceeding pending on the
9-11 effective date of this Act is continued without change in status
9-12 after the effective date of this Act.

9-13 (d) Unless the context indicates otherwise, a reference to
9-14 the Anatomical Board of the State of Texas in a law or
9-15 administrative rule means the Texas Funeral Service Commission.

9-16 (e) The terms of the members of the Anatomical Board of the
9-17 State of Texas expire on September 1, 2024.

9-18 (f) For the state fiscal year ending August 31, 2024, the
9-19 Texas Funeral Service Commission shall quarterly prepare and submit
9-20 to the lieutenant governor, the speaker of the house of
9-21 representatives, the Sunset Advisory Commission, and each standing
9-22 committee of the legislature with primary jurisdiction over the
9-23 Texas Funeral Service Commission a report on the progress of the
9-24 transfer described by Subsection (a) of this section.

9-25 (g) Not later than December 1, 2024, the Texas Funeral
9-26 Service Commission shall submit to the Sunset Advisory Commission
9-27 and each standing committee of the legislature with primary
9-28 jurisdiction over the Texas Funeral Service Commission any
9-29 legislative recommendation necessary to improve the Texas Funeral
9-30 Service Commission's administration of Chapter 691, Health and
9-31 Safety Code, as amended by this Act.

9-32 SECTION 3.02. (a) Not later than the 60th day after the
9-33 effective date of this Act, the Texas Funeral Service Commission
9-34 shall appoint members to the State Anatomical Advisory Committee in
9-35 accordance with Section 691.002, Health and Safety Code, as amended
9-36 by this Act.

9-37 (b) The members of the Anatomical Board of the State of
9-38 Texas whose terms expire under Section 3.01 of this Act shall
9-39 continue to provide advice to the Texas Funeral Service Commission
9-40 until a majority of the members of the State Anatomical Advisory
9-41 Committee are appointed under Subsection (a) of this section and
9-42 qualified. A member of the Anatomical Board of the State of Texas
9-43 described by this subsection may be appointed to the State
9-44 Anatomical Advisory Committee if the member is otherwise eligible
9-45 for appointment under Section 691.002, Health and Safety Code, as
9-46 amended by this Act.

9-47 SECTION 3.03. This Act takes effect September 1, 2023.

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