

By: Parker

S.B. No. 2517

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of human body acquisition services and authorized recipients.

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

SECTION 1. Subtitle B, Title 8, Health and Safety Code, is amended by adding Chapter 692B to read as follows:

CHAPTER 692B. HUMAN BODY ACQUISITION SERVICES AND AUTHORIZED RECIPIENTS

Sec. 692B.001. DEFINITIONS. In this chapter:

(1) "Authorized recipient" means a person or facility located in this state that in accordance with state law obtains a whole body, body segment, or nontransplant anatomical part from a human body acquisition service.

(2) "Commission" means the Funeral Service Commission of the State of Texas.

(3) "Body" means the intact corporeal remains of a human.

(4) "Body segment" means a portion of a whole body detached for purposes of study, evaluation, education, or research and composed of contiguous mixed tissues with relationships altered only at the segment boundaries.

(5) "Human body acquisition service" means a person or facility that solicits, retrieves, performs donor selection on, preserves, transports, allocates, distributes, acquires,

1 processes, stores, or arranges storage for whole bodies, body
2 segments, or nontransplant anatomical parts, solely for education
3 or research purposes.

4 (6) "Nontransplant anatomical part" means a part
5 donated for a purpose other than transplantation.

6 (7) "Part" has the meaning assigned by Section
7 [692A.002](#).

8 Sec. 692B.002. RULES. To protect the public health,
9 safety, and welfare, the commission may adopt the rules necessary
10 to implement and enforce this chapter.

11 Sec. 692B.003. INFORMED CONSENT REQUIRED. (a) A human body
12 acquisition service may accept a donation of a whole body, body
13 segment, or nontransplant anatomical part only if the service
14 obtains documented informed consent to the donation from a person
15 authorized to consent to the donation in accordance with Chapter
16 [692A](#).

17 (b) The informed consent document for a donation governed by
18 this chapter must:

19 (1) identify the authorized recipient of the donation;

20 (2) indicate whether the gift is of the whole body or
21 is limited to specified identifiable body segments or nontransplant
22 anatomical parts; and

23 (3) clearly specify the authorized uses of the donated
24 body, segments, or parts.

25 (c) The human body acquisition service shall electronically
26 record or document in writing any consent obtained by telephone.
27 The service shall transcribe an electronically recorded telephone

1 consent into a written consent document before using a whole body,
2 body segment, or nontransplant anatomical part for education or
3 research.

4 (d) Except as provided by Section 692B.004, a human body
5 acquisition service may only use or transfer a whole body, body
6 segment, or nontransplant anatomical part for a purpose specified
7 in the informed consent document.

8 Sec. 692B.004. PRESUMPTION FOR RECIPIENT OF UNSPECIFIED
9 DONATION. (a) Unless specific direction is provided in an informed
10 consent document for a donation of a whole body, body segment, or
11 nontransplant anatomical part, the donated body, segment, or part
12 is presumed to be donated to the commission or another person
13 authorized to receive the body of a deceased person under Chapter
14 691 or 692A.

15 (b) The commission or person may transfer or authorize the
16 transfer of the whole body, body segment, or nontransplant
17 anatomical part to another person authorized to receive an
18 anatomical gift under Chapter 691 or 692A for purposes of:

19 (1) medical or dental education;
20 (2) medical or dental research; or
21 (3) the advancement of medical or dental science,
22 therapy, or transplantation.

23 Sec. 692B.005. RETRIEVAL AND ACQUISITION OF NONTRANSPLANT
24 ANATOMICAL PARTS. (a) A nontransplant anatomical part may be
25 retrieved only on the premises of:

26 (1) a hospital licensed under Chapter 241; or
27 (2) a human body acquisition service in accordance

1 with this section.

2 (b) A whole body, body segment, or nontransplant anatomical
3 part may be retrieved, acquired, distributed, transported, or used
4 only for a purpose authorized by Chapter 691 or 692A. For the
5 purposes of this section, the term "research" as used in Section
6 692A.011 is limited to research conducted in accordance with
7 accepted research protocols designed to improve the public health,
8 safety, and welfare.

9 Sec. 692B.006. HUMAN BODY ACQUISITION SERVICE: PERSONNEL,
10 SPACE, AND RECORD REQUIREMENTS. (a) A human body acquisition
11 service shall employ:

12 (1) a director who holds a graduate degree in anatomy
13 or the health sciences;

14 (2) a technician, morgue attendant, diener, or
15 licensed funeral director who is responsible for the preparation,
16 care, and maintenance of whole bodies, body segments, and
17 nontransplant anatomical parts; and

18 (3) at least one support staff member other than the
19 director, but who may be an individual described by Subdivision
20 (2), who is responsible for recordkeeping.

21 (b) A human body acquisition service must have a dedicated,
22 secure, and restricted space to prepare whole bodies and body
23 segments for research or education purposes. The service shall
24 limit access to the space to only individuals directly associated
25 with receipt and preparation of whole bodies or body segments. The
26 space must include:

27 (1) a working sink and adequate counter space for

- 1 preparation of whole bodies or body segments;
2 (2) suitable space to store chemicals and materials
3 used in preparation of whole bodies or body segments;
4 (3) counters, tables, and cabinetry built of material
5 easily disinfected and cleaned;
6 (4) a refrigerated storage room, walk-in cooler, or
7 cadaver drawer cooler, dedicated solely to storage of whole bodies
8 or body segments and with lockable access doors and alarms to signal
9 intrusion or unacceptable temperature deviation;
10 (5) a device approved by the Occupational Safety and
11 Health Administration for handling, lifting, and internal
12 transportation of whole bodies or body segments;
13 (6) eye wash stations approved by the Occupational
14 Safety and Health Administration;
15 (7) if embalming is performed, a morgue compliant with
16 federal and state standards; and
17 (8) if cremation is performed, a crematory compliant
18 with federal and state standards.
19 (c) A human body acquisition service shall maintain
20 complete and accurate records of each donation made to the service.
21 The records must include:
22 (1) for:
23 (A) a whole body, identification of the deceased
24 individual; or
25 (B) a body segment, a description and source of
26 the body segment;
27 (2) documentation of unclaimed acquisitions, death

1 certificates, and burial transit permits associated with receipt
2 and use of a whole body or body segment;

3 (3) documentation of the facilities and institutions
4 to which the whole bodies or body segments are transferred or of any
5 other disposition;

6 (4) a copy of any contract or letter of agreement
7 between the service and an authorized recipient; and

8 (5) documentation of the intended method of final
9 disposition of the whole body or body segment.

10 Sec. 692B.007. TRANSFER OF WHOLE BODIES, BODY SEGMENTS, AND
11 NONTRANSPLANT ANATOMICAL PARTS. (a) A transfer of a whole body,
12 body segment, or nontransplant anatomical part shall be conducted
13 in compliance with existing state laws and standards. The
14 burial-transit permit issued under Section 193.008, or written
15 documentation of the source and a description of the body segment
16 or nontransplant anatomical part, shall accompany each whole body,
17 body segment, or nontransplant anatomical part.

18 (b) A human body acquisition service shall maintain a copy
19 of the properly executed burial transit permit for each whole body
20 transferred to or by the service.

21 Sec. 692B.008. AUTHORIZED RECIPIENT: PERSONNEL, SPACE, AND
22 RECORD REQUIREMENTS. (a) An authorized recipient shall store and
23 use whole bodies and body segments solely for education or research
24 purposes. Unless another lawful donee is specified in the donor
25 informed consent document, the authorized recipient of a whole
26 body donated for education purposes shall be a person authorized to
27 receive the bodies of deceased persons under Chapter 691.

1 (b) An authorized recipient may not transfer a whole body or
2 body segment to any other entity, except as authorized in writing by
3 the commission or the human body acquisition service from which the
4 body or segment was obtained.

5 (c) An authorized recipient shall employ at least one staff
6 member who holds a graduate degree in the health sciences and has
7 successfully completed training specific to human dissection or the
8 activity to be performed.

9 (d) The dissection or other authorized use of a whole body
10 or body segment may occur only in dedicated rooms on the premises
11 listed on the certificate of formation of the authorized recipient
12 or at an off-site location approved by the commission or the
13 director of the human body acquisition service from which a whole
14 body or body segment was obtained. The rooms must:

15 (1) be equipped with lockable doors and acces
16 restricted to only individuals directly associated with the
17 dissection or other authorized use;

18 (2) be isolated from public view;

19 (3) be of sufficient size and construction with
20 equipment suitable to ensure safe and respectful handling of whole
21 bodies and body segments;

22 (4) be equipped with tables designed for
23 dissection of whole bodies or other work spaces appropriate for the
24 specific authorized activity to be performed;

25 (5) contain a working sink and adequate counter
26 space to ensure the safety of individuals involved in using whole
27 bodies and body segments in dissection or another authorized use;

1 (6) contain surfaces constructed of nonporous
2 materials;

3 (7) include eye wash stations approved by the
4 Occupational Safety and Health Administration; and

5 (8) include facilities to store any necessary
6 chemicals in accordance with Occupational Safety and Health
7 Administration guidelines.

8 (e) An authorized recipient shall maintain complete and
9 accurate records of receipt, use, and disposition of whole bodies,
10 body segments, and nontransplant anatomical parts. The records must
11 include:

12 (1) for:

13 (A) a whole body, an identification of the
14 deceased individual; or

15 (B) a body segment or nontransplant anatomical
16 part, a description and source of the segment or part;

17 (2) a copy of any contract or letter of agreement
18 between the human body acquisition service and authorized
19 recipient;

20 (3) documentation of the final disposition method for
21 a whole body or body segment; and

22 (4) for a whole body transfer, a copy of a properly
23 executed burial-transit permit.

24 Sec. 692B.009. DISPOSITION OF WHOLE BODIES, BODY SEGMENTS,
25 AND NONTRANSPLANT ANATOMICAL PARTS. (a) An authorized recipient
26 shall dispose of whole body remains, body segments, and
27 nontransplant anatomical parts in accordance with existing state

1 laws and standards for disposition of regulated medical waste.

2 (b) An authorized recipient may return a whole body or
3 body segment to the human body acquisition service from which the
4 recipient originally obtained the body or segment.

5 (c) Disposition of a whole body or body segment shall
6 be consistent with instructions provided in the informed consent
7 document.

8 Sec. 692B.010. SAFETY AND INFECTION CONTROL POLICIES AND
9 PROCEDURES. (a) A human body acquisition service or authorized
10 recipient shall implement written safety and infection control
11 policies and procedures to ensure protection from unnecessary
12 physical, chemical, and biological hazards.

13 (b) A human body acquisition service or authorized
14 recipient shall implement decontamination and disposal techniques
15 for regulated medical waste and ensure hazardous and regulated
16 waste materials are handled, stored, and discarded in accordance
17 with Section 361.0905 and any other applicable state law.

18 (c) A human body acquisition service or authorized
19 recipient shall record and maintain the pressure, temperature, and
20 duration of each autoclave sterilization cycle until at least the
21 first anniversary of the sterilization date. The service or
22 recipient shall:

23 (1) ensure the pressure, temperature, and duration for
24 each cycle is within the manufacturer's recommended operating
25 procedures and if any parameter falls outside the manufacturer's
26 standards, rerun the cycle for all material included in the cycle;
27 and

1 (2) use chemical, biological, and physical detection
2 systems in conjunction with the other autoclave performance
3 measurements listed in Subdivision (1).

4 (d) A staff member may not eat, drink, smoke, apply
5 cosmetics, or apply contact lenses in a work area subject to this
6 section of a human body acquisition service or authorized
7 recipient.

8 (e) A human body acquisition service or authorized
9 recipient may not use for any other purpose a refrigerator or
10 freezer used to store nontransplant anatomical parts or reagents.

11 (f) Each staff member who handles a nontransplant
12 anatomical part:

13 (1) shall wear gloves and laboratory coats,
14 gowns, or other protective clothing sufficient to protect against
15 the transmission of disease and exposure to toxic substances;

16 (2) may not wear protective clothing outside the
17 work area; and

18 (3) shall dispose of protective clothing in an
19 appropriate receptacle.

20 Sec. 692B.011. REPORT TO COMMISSION. On request, a human
21 body acquisition service or authorized recipient shall submit to
22 the commission reports on the service's or user's activities as may
23 be required by this chapter or commission rule. The director of the
24 human body acquisition service or authorized recipient shall sign
25 each report.

26 Sec. 692B.012. ENFORCEMENT AND PENALTIES. (a) Each human
27 body acquisition service and authorized recipient is subject to

1 regulation, including commission investigations and enforcement,
2 under Chapter 691.

3 (b) A person who violates this chapter is subject to the
4 enforcement and penalties authorized under Chapter 691 as if the
5 person violated or failed to perform a duty imposed under that
6 chapter.

7 SECTION 2. Chapter 692B, Health and Safety Code, as added by
8 this Act, applies only to conduct that is subject to regulation,
9 enforcement, and penalties under that chapter that occurs on or
10 after the effective date of this Act. Conduct that occurs before
11 that date is governed by the law in effect on the date the conduct
12 occurred, and the former law is continued in effect for that
13 purpose.

14 SECTION 3. This Act takes effect September 1, 2023.