

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 2721
By: Parker et al.
Health & Human Services
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The 88th Legislature passed S.B. 2040, which abolished the Anatomical Board of the State of Texas (SAB) and transferred its functions to the Texas Funeral Service Commission (TFSC). This shift brought new attention to the sometimes under-regulated realm of non-transplant anatomical donation organizations (NADOs) and willed body programs. Soon after, investigative reporting disclosed grave missteps in the handling of unclaimed and donated remains—including instances where families were never notified that a relative's body was taken for research or training, misuse of donated anatomical parts by middlemen, and a lack of uniform, enforceable standards for procuring, dissecting, and distributing human remains.

S.B. 2721 emerged from this heightened scrutiny and stakeholder feedback, identifying significant deficiencies in the current statutory framework for regulating how bodies of the deceased—particularly those unclaimed or intended for anatomical donation—are acquired, stored, dissected, and ultimately laid to rest. Rather than stifling legitimate medical education and research, S.B. 2721 aims to ensure that donors' rights are better protected, that unclaimed remains receive dignified care, and that robust regulatory oversight and accountability bring transparency to the industry.

S.B. 2721 seeks to respond to the growing need for clear regulations that safeguard the dignity and rights of individuals in Texas whose remains are used for research, training, or forensic study. Building on concerns first brought to light when the duties of the Anatomical Board of the State of Texas were transferred to the Texas Funeral Service Commission, this measure aims to ensure that all unclaimed and donated bodies are treated with respect, and that family members—when identifiable—receive proper notification and have an opportunity to exercise their legal rights over a loved one's remains.

By adding licensing requirements, instituting stricter inspection protocols, and creating clearer pathways for accountability, S.B. 2721 curbs misuse of the non-transplant anatomical donation system and closes regulatory loopholes that have eroded public trust. Crucially, the bill also strengthens processes for documenting and tracking each body or anatomical specimen, preserving transparency for next of kin and fostering confidence in the legitimate scientific and educational uses of donated remains. Through these reforms, Texas upholds higher ethical standards, provides greater oversight to protect against abuses, and continues to enable the advancement of vital medical research and training programs.

(Original Author/Sponsor's Statement of Intent)

C.S.S.B. 2721 amends current law relating to the licensing and regulation of persons who provide services in relation to the deceased, increases a criminal penalty, creates a criminal offense, authorizes an administrative penalty, and expands the application of a fee.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Funeral Service Commission in SECTION 3 (Section 691.004, Health and Safety Code), SECTION 5 (Section 691.011, Health and Safety Code), SECTION 10 (Section 691.0235, Health and Safety Code), SECTION 14 (Section 691.0281, Health and Safety Code), and SECTION 17 (Section 691.031, Health and Safety Code) of this bill.

Rulemaking authority previously granted to the Texas Funeral Service Commission is rescinded in SECTION 19 (Section 691.033, Health and Safety Code) and SECTION 20 (Section 691.034, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 691.001, Health and Safety Code, by amending Subdivisions (1-a), (2), and (6) to redefine "anatomical facility," "body," and "willed body program," and adding Subdivisions (1-b) and (4-a) to define "anatomical specimen" and "donee."

SECTION 2. Amends Sections 691.002(a) and (b), Health and Safety Code, as follows:

(a) Provides that the State Anatomical Advisory Committee (advisory committee) is established to advise and provide expertise to the Texas Funeral Service Commission (TFSC) on matters related to the regulation and operation of donees, rather than willed body programs, non-transplant anatomical donation organizations, and anatomical facilities in this state.

(b) Provides that the advisory committee is composed of seven members appointed by TFSC. Deletes existing text providing that the committee is composed of seven certain individuals appointed by TFSC.

SECTION 3. Amends Subchapter A, Chapter 691, Health and Safety Code, by adding Sections 691.003 and 691.004, as follows:

Sec. 691.003. ENFORCEMENT. Provides that each donee is subject to regulation, including investigations and enforcement, under Chapter 691 (Donation of Bodies and Anatomical Specimens).

Sec. 691.004. PROHIBITED ACTIVITIES; CRIMINAL OFFENSE; ADMINISTRATIVE PENALTY. (a) Prohibits a person, other than a donee licensed by TFSC, from soliciting, retrieving, preserving, transporting, distributing, acquiring, processing, storing, or arranging storage of a whole human body, anatomical specimen, or other non-transplant anatomical part for education, research, or another activity TFSC has not authorized.

(b) Provides that a person commits an offense if the person knowingly violates Subsection (a). Provides that an offense under this section is a state jail felony.

(c) Authorizes TFSC by rule to impose an administrative penalty for a violation of this section. Prohibits the amount of the administrative penalty from exceeding \$500 for each violation. Provides that each day a violation continues or occurs is a separate violation for purposes of imposing a penalty.

SECTION 4. Amends Sections 691.010(b) and (c), Health and Safety Code, as follows:

(b) Authorizes TFSC to provide for that notification by including the information on each written contract relating to bodies willed or donated to an entity licensed or regulated by TFSC or otherwise authorized by TFSC to receive bodies or anatomical specimens.

(c) Requires TFSC, if a written complaint is filed with TFSC relating to a person or an entity licensed or regulated by TFSC under this chapter, to periodically notify the parties to the complaint of the status of the complaint until final disposition unless notice would jeopardize an undercover investigation.

SECTION 5. Amends Section 691.011, Health and Safety Code, as follows:

Sec. 691.011. RECORDS. (a) Creates this subsection from existing text. Requires TFSC to issue a unique identification number and maintain, rather than keep, identification

records of each body or anatomical specimen donated to a donee, rather than to TFSC. Makes conforming and nonsubstantive changes.

(b) Requires TFSC by rule to develop a form to document the donation or transfer of a body or anatomical specimen. Requires that the form include the information required under Section 691.031 (Transportation of Bodies; Records). Provides that if a body or anatomical specimen is transferred, the identification form is required to be preceded by "TR" and the identification number of the body or anatomical specimen on the form is required to match the identification number affixed to the body or anatomical specimen to complete the donation or transfer.

(c) Requires the donee, on donation of a body or anatomical specimen, to complete and submit the form described by Subsection (b) and retain a copy of the form for the donee's records.

(d) Provides that, on transfer of a body or anatomical specimen:

(1) the donee is required to complete and submit three copies of the form described by Subsection (b) to the receiving institution; and

(2) the receiving institution is required to sign one copy submitted under Subdivision (1), acknowledging the institution's receipt of the body or anatomical specimen, and return the signed copy to the donee for the donee's records and retain one copy submitted under Subdivision (1) for the institution's records.

(e) Requires the receiving institution, if a body or anatomical specimen is subsequently returned by a receiving institution to the donee, to sign one copy submitted under Subsection (d)(1), indicating the return of the body or anatomical specimen to the donee, and return the copy to the donee for the donee's records.

(f) Requires a donee or receiving institution required to retain a form for the entity's records under this section to permanently retain the form.

(g) Requires each donee or receiving institution, not later than August 1 of each year, to complete, sign, and file with TFSC a cadaver procurement and use report, in the manner TFSC prescribes, documenting the donee's or institution's cadaver procurement and use activities during the preceding year.

(h) Requires a forensic science program that receives a body or anatomical specimen under this chapter to submit a quarterly report to TFSC that lists the number of bodies or anatomical specimens the program received during the preceding quarter and the manner in which the program used the bodies or anatomical specimens for education or research.

SECTION 6. Amends Section 691.012, Health and Safety Code, as follows:

Sec. 691.012. FEES. Deletes existing Subsection (a). Requires TFSC by rule to set and collect fees in amounts reasonable and necessary to cover the cost of administering this chapter, including certain fees for:

(1) authorizing the receipt and distribution of, rather than receiving and distributing, bodies and anatomical specimens, other than temporary custody of a body or anatomical specimen for another donee;

(2) makes no changes to this subdivision; and

(3) licensing donees, rather than registering willful body programs and non-transplant anatomical donation organizations.

Deletes text of existing Subsection (b) providing that a non-transplant anatomical donation organization is exempt from a fee described by Subsection (a)(1). Makes a nonsubstantive change.

SECTION 7. Amends Section 691.022, Health and Safety Code, as follows:

Sec. 691.022. GENERAL DUTIES. (a) Requires TFSC to authorize a person or entity to receive, rather than distribute, bodies and anatomical specimens and to distribute bodies and specimens to persons authorized to receive a body or specimen under this chapter or Chapter 692A (Revised Uniform Anatomical Gift Act). Deletes existing text providing that this subsection does not apply to a body or specimen donated to a registered non-transplant anatomical donation organization.

(b) Requires TFSC, in consultation with the advisory committee, to adopt rules to ensure that each body and anatomical specimen is treated with respect while in the custody of the donee, rather than TFSC or person authorized to receive the body or specimen.

(c) Requires TFSC, in consultation with the advisory committee, to adopt rules, establish procedures, and prescribe forms necessary to administer and enforce this chapter, including rules establishing licensing, rather than registration, and inspection requirements and procedures. Authorizes TFSC to issue a reprimand, assess an administrative penalty, impose other penalties, or revoke, suspend, or probate a license, rather than a registration, or other authorization for a violation of this chapter or a TFSC rule adopted under this chapter, including a violation related to an inspection conducted under Section 691.034 (Regulation and Registration of Persons and Institutions Using Bodies and Anatomical Specimens), in the manner provided by Chapter 651 (Crematory Services, Funeral Directing, and Embalming), Occupations Code.

SECTION 8. Amends the heading to Section 691.023, Health and Safety Code, to read as follows:

Sec. 691.023. New heading: DUTY REGARDING DELIVERY OF CERTAIN BODIES.

SECTION 9. Amends Section 691.023(a), Health and Safety Code, as follows:

(a) Requires an officer, employee, or representative of the state, of a political subdivision, or of an institution having charge or control of a body not claimed for burial or a body required to be buried at public expense to notify TFSC or TFSC's representative of the body's existence when the body comes into the person's possession, charge, or control if TFSC or TFSC's representative provides to the person written notice of the notification requirement, rather than if notified in writing to do so by TFSC or TFSC's representative.

Deletes existing text requiring an officer, employee, or representative of the state, of a political subdivision, or of an institution having charge or control of a body not claimed for burial or a body required to be buried at public expense to allow TFSC, TFSC's representative, or a physician designated by TFSC who complies with this chapter to remove the body to be used for the advancement of medical or forensic science. Makes a nonsubstantive change.

SECTION 10. Amends Subchapter B, Chapter 691, Health and Safety Code, by adding Section 691.0235, as follows:

Sec. 691.0235. PROHIBITED DONATION OF CERTAIN BODIES; LIMITED EXCEPTION FOR APPROVED RESEARCH PROJECTS. (a) Prohibits a person, notwithstanding any other provision of this chapter except to Subsections (b) and (c), from donating a body not claimed for burial or a body required to be buried at public expense to another person for any reason.

(b) Authorizes a donor by will or other written instrument in accordance with Section 691.028 (Donation of Body by Written Instrument) to donate the donor's body to a donee licensed by TFSC for use in a research project that meets certain criteria.

(c) Authorizes a person who is authorized to claim a decedent's body for burial under Section 691.024 (Persons Who May Claim Body for Burial) to provide informed consent for the body to be donated to a donee licensed by TFSC for use in a research project described by Subsection (b).

(d) Requires TFSC to adopt rules necessary to implement this section.

SECTION 11. Amends Section 691.026, Health and Safety Code, as follows:

Sec. 691.026. BODY OF TRAVELER. Requires the commissioners court of the county in which a traveler died, if the unclaimed body is the body of a traveler who died suddenly, to retain the body until the earlier of six months or the date the body is identified and claimed. Deletes existing text requiring TFSC, if an unclaimed body is the body of a traveler who died suddenly, to direct the institution or other person receiving the body to retain the body for six months for purposes of identification.

SECTION 12. Amends the heading to Section 691.028, Health and Safety Code, to read as follows:

Sec. 691.028. DONATION OF BODY OR ANATOMICAL SPECIMEN BY WRITTEN INSTRUMENT.

SECTION 13. Amends Sections 691.028(a), (b), (b-1), and (c), Health and Safety Code, as follows:

(a) Authorizes an adult living in this state who is of sound mind to donate the adult's body or anatomical specimen by will or other written instrument to a donee, rather than to TFSC, a willed body program of a medical dental school, a non-transplant anatomical donation organization, or another donee, in this state as authorized by TFSC to be used for a purpose authorized by this chapter, rather than for the advancement of medical or forensic science.

(b) Provides that a donation is not effective under Subsection (a) unless the donor provides informed consent by signing a form prescribed by TFSC in the presence of two adult witnesses. Requires that the form clearly convey certain information, including the use the donee plans for the donated body or anatomical specimen, which is required to comply with this chapter and TFSC rules and, if applicable, the condition in which the body or anatomical specimen will be returned to the person designated by the donor.

Deletes existing text requiring that to be effective, the donor is required to provide informed consent by signing the will or other written instrument and it must be witnessed by two adults. Deletes existing text providing that the donor is not required to use a particular form or particular words in making the donation, but the will or other instrument is required to clearly convey certain information. Makes conforming and nonsubstantive changes.

(b-1) Requires TFSC by rule to design and adopt a form that complies with this subsection that donees, rather than willed body programs and non-transplant anatomical donation organizations, are required to use.

(c) Makes a conforming change to this subsection.

SECTION 14. Amends Subchapter B, Chapter 691, Health and Safety Code, by adding Sections 691.0281 and 691.0282, as follows:

Sec. 691.0281. DONATION OF BODY OR ANATOMICAL SPECIMEN AFTER DONOR'S DEATH. (a) Authorizes any member of the following classes of persons who is reasonably available, in the order of priority listed, to donate the donor's body or anatomical specimen to a donee specified in Section 691.030 for a purpose authorized by this chapter, unless the donor or the donor's agent made or refused to make a donation under Section 691.028:

- (1) an agent of the donor at the time of death who could have donated the donor's body or anatomical specimen under Section 691.028;
- (2) the donor's spouse;
- (3) adult children of the donor;
- (4) parents of the donor;
- (5) adult siblings of the donor;
- (6) adult grandchildren of the donor;
- (7) grandparents of the donor; and
- (8) the persons who were acting as legal guardians of the donor at the time of the donor's death.

(b) Authorizes a member of a class listed in Subsection (a)(1), (3), (4), (5), (6), (7), or (8), if more than one member of that class is entitled to donate the donor's body or anatomical specimen, to make the donation unless that member or the donee representative coordinating the donation has actual knowledge of an objection by another member of the class. Authorizes the donation, if an objection is known, to be made only by a majority of the members of the class who are reasonably available.

(c) Prohibits a person from making a donation if, at the time of the donor's death, a person in a class with higher priority under Subsection (a) is reasonably available to make or to object to the donation.

(d) Provides that a donation is not effective under Subsection (a) unless the person authorized to donate the donor's body or anatomical specimen under this section provides written informed consent by signing a form prescribed by TFSC in the presence of two adult witnesses. Requires that the form clearly convey:

- (1) the person's intent; and
- (2) the person's acknowledgement that the person was informed about certain information.

(e) Requires the person authorized to donate the donor's body or anatomical specimen under this section, for purposes of Subsection (d), to be informed in writing about the information described by Subsection (d)(2) in a clear manner on a single piece of paper that is 8-1/2 by 11 inches with 14-point type. Requires TFSC to by rule design and adopt a form that complies with this subsection that donees are required to use.

(f) Authorizes a donation under this section to be revoked orally or in writing by any member of a class with higher priority under Subsection (a) who is reasonably available. Authorizes the donation, if more than one member of the class with higher priority is reasonably available, to be revoked only if a majority of the reasonably available members agree to the revocation or if the reasonably available members are equally divided as to whether to revoke the donation.

(g) Provides that a revocation under Subsection (f) is effective only before completion of the donation and the donee's acceptance of the body or anatomical specimen.

Sec. 691.0282. DONATION OF BODY OR ANATOMICAL SPECIMEN FROM OUT OF STATE. (a) Authorizes a donee to accept a donation from an out-of-state donor or a donor who died outside of this state.

(b) Requires a donee to notify TFSC of any donation described by Subsection (a).

(c) Provides that a donation described by Subsection (a) is governed by this chapter after the body or anatomical specimen enters this state.

SECTION 15. Amends the heading to Section 691.030, Health and Safety Code, to read as follows:

Sec. 691.030. RECEIPT AND DISTRIBUTION OF DONATIONS OF BODIES AND ANATOMICAL SPECIMENS.

SECTION 16. Amends Sections 691.030(a) and (c), Health and Safety Code, as follows:

(a) Authorizes a person to donate a body or anatomical specimen to the following individuals or entities named in a will or other written instrument:

(1) willed body programs of accredited schools and colleges;

(2) forensic science programs at general academic teaching institutions or private or independent institutions of higher education, as defined by Section 61.003, Education Code;

(3) search and rescue organizations or recovery teams that are recognized by TFSC, rather than search and rescue organizations or recovery teams that are recognized by TFSC, are exempt from federal taxation under Section 501(c)(3), Internal Revenue Code of 1986, and use human remains detection canines with the authorization of a local or county law enforcement agency;

(4) physicians licensed to practice medicine in this state;

(5) makes no changes to this subdivision; and

(6) other donees.

Deletes existing text providing that TFSC or TFSC'S successor is required to distribute bodies donated to it and is authorized to redistribute bodies donated to medical or dental schools or other donees authorized by TFSC to certain entities.

(c) Requires TFSC, unless TFSC determines there is an insufficient number of bodies to meet the needs of recipients prioritized in Subsection (a), to authorize the distribution or redistribution of bodies to an authorized recipient in another state in accordance with Subsection (d) (relating to authorizing TFSC to transport a body or anatomical specimen to an authorized recipient in another state under certain conditions). Deletes existing text requiring TFSC, if TFSC has remaining bodies, to distribute or redistribute those bodies to the schools and colleges proportionately and equitably according to the number of students in each school or college receiving instruction or demonstration in normal or morbid anatomy and operative surgery. Makes nonsubstantive changes.

SECTION 17. Amends Section 691.031, Health and Safety Code, by adding Subsection (a-1) to require TFSC to adopt rules to enforce the documentation and labeling requirements of this section for each body or anatomical specimen received or distributed under this chapter.

SECTION 18. Amends Section 691.032, Health and Safety Code, as follows:

Sec. 691.032. COSTS OF DISTRIBUTION. Requires a person or institution receiving a body or anatomical specimen distributed under this chapter to pay the costs associated with the distribution in a manner specified by the donee providing the body or anatomical specimen, rather than by TFSC, or as otherwise agreed on, all costs incurred in distributing, the body or anatomical specimen, so that the state, a county, a municipality, or an officer, employee, or representative of the state, a county, or a municipality does not incur any expense.

SECTION 19. Amends Section 691.033, Health and Safety Code, as follows:

Sec. 691.033. USE OF BODIES AND ANATOMICAL SPECIMENS. (a) Authorizes a donee, anatomical facility, or other person designated by TFSC to use dissect, operate on, examine, and experiment on a body or anatomical specimen received or distributed under this chapter. Makes a conforming change.

(b) Requires a donee, anatomical facility, or other person to keep a permanent record of each body or anatomical specimen received, rather than received from TFSC or TFSC's representative. Makes a conforming change.

(c) Makes a conforming change to this subsection.

(d) Provides that, to aid prosecutions under Section 42.08 (Abuse of Corpse), Penal Code, as soon as possible after a person or institution becomes aware of the possible abuse of a corpse, the person or institution is required to report the facts, as known, to TFSC. Deletes existing text requiring TFSC to aid prosecutions under Section 42.08, Penal Code, to adopt rules that clearly state the activities that are authorized by TFSC in relation to the use or dissection of a body.

(e) Authorizes a donee or anatomical facility, subject to Subsection (f), to provide for the final disposition of a body distributed under this chapter.

(f) Requires a donee or anatomical facility to return a donor's remains after use to any person designated by the donor in accordance with the donor agreement.

SECTION 20. Amends Section 691.034, Health and Safety Code, as follows:

Sec. 691.034. New heading: LICENSING AND REGULATION OF PERSONS AND INSTITUTIONS USING BODIES AND ANATOMICAL SPECIMENS.

(a) Prohibits a donee from operating in this state unless the donee holds a license issued by, rather than unless the program or organization registers with, TFSC in the form and manner prescribed by TFSC. Makes a conforming change.

(a-1) Redesignates existing Subsection (a-2) as Subsection (a-1). Requires TFSC to inspect donees and anatomical facilities at least once every three years to ensure the donees and facilities maintain appropriate facilities for receiving, holding, and disposing of bodies and anatomical specimens in accordance with this chapter.

Deletes existing text requiring a non-transplant anatomical donation organization, to be eligible for registration under this section, to be accredited by the American Association of Tissue Banks under the association's Standards for Non-Transplant Anatomical Donation. Deletes existing text authorizing TFSC to issue conditional registration to a non-transplant anatomical donation organization that is not yet accredited. Makes a conforming change.

(a-2) Redesignates existing Subsection (a-3) as (a-2). Requires TFSC to establish a process to periodically verify a donee's or anatomical facility's compliance with applicable state laws and regulations, rather than with Standards for Non-Transplant Anatomical Donation published by the American Association of Tissue Banks. Deletes existing text providing that the process is authorized to and prohibited from meeting certain criteria. Makes a conforming change.

(b) Authorizes TFSC to investigate or inspect a donee, anatomical facility, or other person if TFSC has reason to believe that the donee, facility, or person has improperly used a body or anatomical specimen in violation of this chapter. Makes conforming changes.

(c) Requires, rather than authorizes, TFSC to suspend or revoke a donee's, anatomical facility's, or other person's license, rather than registration, or other authorization to receive and use or dissect bodies or anatomical specimens if TFSC determines that the donee, facility, or person has improperly used a body or anatomical specimen in violation of this chapter. Makes conforming changes.

(d) Requires TFSC to make all final decisions to suspend or revoke a license or an authorization. Makes conforming changes.

(e) Redesignates existing Subsection (f) as Subsection (e). Deletes existing text requiring a registered non-transplant anatomical donation organization to inform TFSC within the time prescribed by TFSC rule if the organization loses its accreditation with the American Association of Tissue Banks. Makes a conforming change.

(f) Requires TFSC, in consultation with the advisory committee, to review and approve applications for persons located in other states to receive whole bodies, anatomical specimens, or non-transplant anatomical parts from individuals in this state. Authorizes TFSC, on recommendation of the advisory committee, to withdraw TFSC's approval of a person in another state who applies for approval under this section. Requires a person applying for approval under this section to meet certain criteria.

Deletes text of existing Subsection (b-1) authorizing TFSC to inspect a non-transplant anatomical donation organization as part of an investigation described by Subsection (b).

Deletes text of existing Subsection (g) requiring TFSC to adopt rules and procedures necessary to administer this section.

SECTION 21. Amends Section 691.035(b), Health and Safety Code, to provide that an offense under Section 691.035 (Criminal Penalty) is a Class B misdemeanor, rather than is punishable by a fine of not less than \$100 or more than \$500.

SECTION 22. Amends Subchapter B, Chapter 691, Health and Safety Code, by adding Sections 691.036 and 691.037, as follows:

Sec. 691.036. LIMITATION ON LIABILITY. (a) Provides that a person who acts in good faith in accordance with this chapter is not liable for civil damages or subject to criminal prosecution for the person's actions if the prerequisites for a donation or transfer of a body or anatomical specimen are met under the laws applicable at the time and place the donation or transfer is made.

(b) Provides that a person who acts in accordance with this chapter or with the applicable laws for donating or transferring bodies or anatomical specimens to this state from another state, or attempts in good faith to act in accordance with this chapter and the applicable laws, is not liable for those actions in a civil action, criminal prosecution, or administrative proceeding.

(c) Provides that a person who acts in good faith in accordance with this chapter is not liable as a result of those actions except in the case of an act or omission by the person that is intentional, wilfully or wantonly negligent, or done with conscious indifference or reckless disregard. Defines "good faith."

(d) Provides that a person making a donation of a body or anatomical specimen, including the person's estate, is not liable for any injury or damage that results from the making or use of the donation.

(e) Authorizes a person, in determining whether a donation has been made, amended, or revoked under this chapter, to rely on representations of an individual listed in Section 691.0281(a)(2), (3), (4), (5), (6), (7), or (8) relating to the individual's relationship to the donor unless the person knows the representation is untrue.

Sec. 691.037. ANATOMICAL FACILITY STANDARDS. Requires TFSC to adopt minimum standards for anatomical facilities licensed under this chapter. Requires that the standards require a facility to meet certain criteria.

SECTION 23. Amends Section 692A.002, Health and Safety Code, by adding Subdivision (3-a), to define "commission."

SECTION 24. Amends Chapter 692A, Health and Safety Code, by adding Section 692A.0035, to prohibit a person from receiving an anatomical gift as part of a willed body program, as defined by Section 691.001 (Definitions), in this state unless the program is licensed by TFSC.

SECTION 25. Amends Section 692A.009(a), Health and Safety Code, to authorize an anatomical gift of a decedent's body or part for the purpose of transplantation or therapy, rather than transplantation, therapy, research, or education, subject to certain provisions, to be made by any member of the certain classes of persons who is reasonably available, in the order of priority listed.

SECTION 26. Amends Section 692A.011(a), Health and Safety Code, as follows:

(a) Authorizes an anatomical gift to be made to the following persons named in the document of gift:

(1)-(3) makes no changes to these subdivisions;

(4) an eye bank or tissue bank, except that use of a gift of a whole body is required to be to a person who holds a license issued by TFSC, rather than coordinated through TFSC;

(5) a forensic science program licensed by TFSC at certain institutions;

(6) a search and rescue organization or recovery team that is recognized and authorized by TFSC, is exempt from federal taxation under Section 501(c)(3) Internal Revenue Code of 1986, and uses human remains detection canines with the authorization of a local or county law enforcement agency; or

(7) a licensed willed body program, rather than TFSC or a non-transplant anatomical donation organization.

Makes nonsubstantive changes to this subsection.

SECTION 27. Amends Section 711.002, Health and Safety Code, by amending Subsection (k) and adding Subsection (k-1), as follows:

(k) Makes no changes to this subsection.

(k-1) Creates this subsection from existing text. Provides that, rather than requires, a cemetery organization or funeral establishment that is aware of a dispute described by Subsection (k) (relating to legal disputes concerning which persons have the right to control a decedent's remains) not be liable for refusing to accept the decedent's remains, or to inter or otherwise dispose of the decedent's remains, until it receives a court order or other suitable confirmation that the dispute has been resolved or settled. Provides that a cemetery organization or funeral establishment that is unaware of a dispute described by Subsection (k) is not liable for disposing of the decedent's remains if the organization or establishment:

(1) reasonably relies in good faith on the representations of a person who states in writing that the person is entitled to control the disposition of the decedent's remains;

(2) disposes of the decedent's remains in accordance with the written directions of the person described by Subdivision (1); and

(3) is unaware, after inquiring of the person described by Subdivision (1), of another person who is listed in a priority before the person described by Subdivision (1).

SECTION 28. Amends Section 651.005, Occupations Code, as follows:

Sec. 651.005. New heading: REGULATION OF WILLED BODY PROGRAMS AND ANATOMICAL FACILITIES. Makes conforming and nonsubstantive changes to this section.

SECTION 29. Amends Section 651.202, Occupations Code, by adding Subsection (g), as follows:

(g) Authorizes a TFSC employee, notwithstanding any other provision of Section 651.202 (Complaints), to dismiss a complaint without further investigation under Subsection (c) (relating to requiring TFSC to investigate complaints relating to certain persons in the funeral service industry) if:

(1) the subject matter of the complaint is a funeral service provided under a contract with a license holder and the complainant is not a party to the contract or the person entitled under Section 711.002(a) (relating to the priority list of persons who have certain obligations and the right to control the disposition of the decedent's remains), Health and Safety Code, to control the disposition of the remains of the decedent to whom the service relates; or

(2) regardless of the subject matter of the complaint, the complaint is not accompanied by substantial evidence of a violation of a statute administered by TFSC.

SECTION 30. Amends Subchapter I, Chapter 651, Occupations Code, by adding Section 651.411, as follows:

Sec. 651.411. SCOPE OF SERVICE INVOLVING CERTAIN ANATOMICAL GIFTS. Authorizes TFSC by rule to prescribe the minimum requirements for a licensed funeral establishment to provide a service in relation to an anatomical gift made under Chapter 691 or 692A, Health and Safety Code, that is not intended for transplantation, including requirements for the storage or transportation of the anatomical gift.

SECTION 31. Repealers: Sections 691.001(3) (relating to defining "body") and (5) (relating to defining "non-transplant anatomical donation organization"), Health and Safety Code.

Repealers: Sections 691.025(c) (relating to requiring a body that is not claimed for burial within a certain time to be delivered as soon as possible to TFSC) and (d) (relating to

authorizing a relative of a deceased to claim the body within a certain time and free of charge), Health and Safety Code.

Repealer: Section 691.029 (Authority to Receive, Distribute, and Transfer Bodies or Anatomical Specimens), Health and Safety Code.

Repealers: Sections 691.030(b) (relating to requiring TFSC to give priority to certain institutions when distributing certain bodies) and (e) (relating to providing that Section 691.030 (Commission's Authority to Distribute Bodies and Anatomical Specimens) does not apply to a body or anatomical specimen donated to certain organizations), Health and Safety Code.

Repealer: Section 692A.011(b) (relating to requiring certain organizations to be the donee of gifts of certain bodies or parts of bodies made for the purpose of education or research), Health and Safety Code.

SECTION 32. Provides that the changes in law made by this Act to Section 691.028, Health and Safety Code, as amended by this Act, apply to the donation of a body or anatomical specimen by will or other written instrument executed after the effective date of this Act. Provides that the donation of a body or anatomical specimen by will or other written instrument that is executed before the effective date of this Act is governed by the law as it existed immediately before that date, and that law is continued in effect for that purpose.

SECTION 33. (a) Requires TFSC, as soon as practicable after the effective date of this Act, to adopt rules necessary to implement Chapters 691 and 692A, Health and Safety Code, and Chapter 651, Occupations Code, as amended by this Act.

(b) Requires TFSC, not later than March 1, 2026, to adopt rules to implement Section 691.004, Health and Safety Code, as added by this Act.

SECTION 34. Effective date: September 1, 2025.