

By: Parker, et al.  
(Bell of Kaufman)

S.B. No. 2721

Substitute the following for S.B. No. 2721:

By: VanDeaver

C.S.S.B. No. 2721

A BILL TO BE ENTITLED

AN ACT

relating to the deceased, including requirements for donating or claiming bodies or anatomical specimens, the licensing and regulation of persons who provide services or conduct education or research in relation to the deceased, and responsibilities of political subdivisions for certain bodies after death; creating criminal offenses; authorizing administrative penalties; requiring occupational licenses; authorizing fees.

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 691A to read as follows:

CHAPTER 691A. DONATION OF BODIES AND ANATOMICAL SPECIMENS;

LICENSING OF ANATOMICAL SUPPLIERS AND RESEARCHERS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 691A.001. DEFINITIONS. In this chapter:

(1) "Advisory committee" means the State Anatomical Advisory Committee established under Subchapter B.

(2) "Anatomical specimen" means a part of the corporeal remains of a human that is used for an education or research purpose.

(3) "Anatomical supplier" means a person who holds a license issued under Subchapter E to acquire and distribute bodies and anatomical specimens to researchers.

(4) "Body" means the intact corporeal remains of a

1 human.

2 (5) "Commission" means the Texas Funeral Service  
3 Commission.

4 (6) "Forensic science program" means an academic  
5 program in forensic anthropology, forensic pathology, or another  
6 similar discipline accredited by a nationally recognized body and  
7 operated by an institution of higher education or private or  
8 independent institution of higher education.

9 (7) "Institution of higher education" and "private or  
10 independent institution of higher education" have the meanings  
11 assigned by Section 61.003, Education Code.

12 (8) "Political subdivision" includes a municipality,  
13 county, or special purpose district or authority.

14 (9) "Researcher" means a person who holds a license  
15 issued under Subchapter F to use a body or anatomical specimen for  
16 education or research purposes.

17 (10) "Search and rescue organization or recovery team"  
18 means an organization or team that is exempt from federal taxation  
19 under Section 501(c)(3), Internal Revenue Code of 1986, and uses  
20 human remains detection canines with the authorization of a local  
21 law enforcement agency, including a sheriff's office.

22 (11) "Willed body program" means a program accredited  
23 by a nationally recognized body and operated at an institution of  
24 higher education or private or independent institution of higher  
25 education in this state that allows the donation of an individual's  
26 body or anatomical specimen for education or research purposes.

27 Sec. 691A.002. CONFLICT OF LAW. To the extent of any

conflict between this chapter and Chapter 692A, this chapter controls.

SUBCHAPTER B. ADVISORY COMMITTEE

Sec. 691A.051. ESTABLISHMENT OF ADVISORY COMMITTEE. The State Anatomical Advisory Committee is established to advise and provide expertise to the commission regarding the regulation and operation of persons licensed under this chapter, including the donation and use of bodies and anatomical specimens for education or research purposes.

Sec. 691A.052. COMPOSITION; QUALIFICATIONS. (a) The advisory committee is composed of five members appointed as follows:

(1) one member appointed by the governor;

(2) two members appointed by the presiding officer of the commission;

(3) one member who represents institutions of higher education or private or independent institutions of higher education that operate willled body programs, appointed by the commissioner of the Texas Higher Education Coordinating Board; and

(4) one member appointed by the executive commissioner of the Health and Human Services Commission.

(b) Advisory committee members must have experience and knowledge in the donation and use of whole bodies and anatomical specimens for education and research.

(c) Appointments to the advisory committee shall be made without regard to the race, creed, sex, religion, or national origin of the appointees.

1       Sec. 691A.053. TERMS; REAPPOINTMENT. (a) Members of the  
2 advisory committee serve two-year terms.

3       (b) An advisory committee member may be reappointed.

4       Sec. 691A.054. APPLICABILITY OF OTHER LAW. Sections  
5 2110.002 and 2110.008, Government Code, do not apply to the  
6 advisory committee.

7       Sec. 691A.055. RULE PROPOSAL. Subject to Section 691A.102,  
8 the advisory committee may propose rules for the administration and  
9 enforcement of this chapter.

10       SUBCHAPTER C. GENERAL POWERS AND DUTIES OF COMMISSION

11       Sec. 691A.101. ADMINISTRATION AND ENFORCEMENT. The  
12 commission shall administer and enforce this chapter.

13       Sec. 691A.102. RULES. (a) The commission, in consultation  
14 with the advisory committee, may adopt rules consistent with this  
15 chapter to regulate the acquisition, distribution, use, and  
16 disposition of donated bodies and anatomical specimens, including  
17 rules proposed by the advisory committee under Section 691A.055.

18       (b) The commission shall adopt rules prescribing the  
19 procedure by which the advisory committee may propose rules to the  
20 commission.

21       Sec. 691A.103. FEES. The commission, in consultation with  
22 the advisory committee, by rule may set and collect fees in amounts  
23 reasonable and necessary to cover the cost of administering this  
24 chapter, including fees for:

25               (1) authorizing the acquisition and distribution of  
26 bodies and anatomical specimens, other than temporary custody of a  
27 body or anatomical specimen on behalf of an anatomical supplier;

1           (2) conducting inspections, audits, and other  
2 verification activities authorized under this chapter; and

3           (3) licensing persons under this chapter.

4           Sec. 691A.104. BACKGROUND CHECK FOR LICENSE APPLICANT. (a)  
5 The commission by rule shall require a person who applies for a  
6 license under this chapter to submit to a background check,  
7 including a review of the person's criminal history record  
8 information.

9           (b) If the applicant is a business or nonprofit entity, the  
10 commission by rule shall require the submission of fingerprints for  
11 purposes of conducting a background check from each individual who:

12               (1) has a controlling interest in the entity;

13               (2) is an officer or manager of the entity;

14               (3) is a member of the board of directors of the  
15 entity; or

16               (4) holds a substantial amount of stock or other  
17 similar interest in the entity, as determined by commission rule.

18           Sec. 691A.105. UNIQUE IDENTIFIER; RECORDKEEPING. (a) The  
19 commission by rule shall require a person licensed under this  
20 chapter to:

21               (1) subject to Subsection (c), issue a unique  
22 identifier for each body or anatomical specimen donated to or  
23 acquired by the person under this chapter;

24               (2) maintain identification records of the body or  
25 anatomical specimen; and

26               (3) maintain records documenting the donation and each  
27 transfer, as applicable, of the body or anatomical specimen,

1 including from whom the license holder acquired the body or  
2 anatomical specimen.

3 (b) In adopting rules under this section, the commission  
4 shall develop a method for ensuring that a body or anatomical  
5 specimen is not issued a duplicate identifier, which may include  
6 the use of the license holder's name or other characteristic as part  
7 of the identifier.

8 (c) The commission shall maintain copies of records  
9 submitted to the commission under this chapter in a searchable  
10 database.

11 Sec. 691A.106. REGULAR INSPECTIONS REQUIRED. (a) The  
12 commission shall inspect anatomical suppliers and researchers at  
13 least once every three years to ensure the anatomical suppliers and  
14 researchers maintain appropriate facilities in accordance with  
15 this chapter and rules adopted under this chapter for activities  
16 authorized under this chapter with respect to bodies and anatomical  
17 specimens.

18 (b) The commission may conduct unannounced inspections of  
19 anatomical suppliers and researchers.

20 Sec. 691A.107. AUDITS. The commission may audit the  
21 records of any person licensed under this chapter in connection  
22 with the person's activities under this chapter to ensure  
23 compliance with this chapter and rules adopted under this chapter.

24 Sec. 691A.108. OTHER COMPLIANCE PROCEDURES. The commission  
25 shall establish a process to periodically verify each anatomical  
26 supplier's and researcher's compliance with applicable state laws  
27 and rules.

1       Sec. 691A.109. INFORMATIONAL DOCUMENT REGARDING ANATOMICAL  
2 GIFT. The commission shall develop and publish on the commission's  
3 Internet website a document to inform a person making a gift of a  
4 decedent's body or anatomical specimen about the options for  
5 donation authorized under this chapter, including the option to  
6 make decisions regarding the final disposition of the body or  
7 anatomical specimen.

8       Sec. 691A.110. APPROVAL FOR EXPORT REQUIRED. (a) The  
9 commission shall review and may approve applications for persons  
10 located in other states to receive bodies or anatomical specimens  
11 from individuals in this state. The commission may withdraw the  
12 commission's approval of a person in another state who applies for  
13 approval under this section.

14       (b) A person applying for approval under this section must:  
15               (1) be a postsecondary educational program accredited  
16 by a nationally recognized accreditation organization acceptable  
17 to the commission;

18               (2) provide proof of accreditation by the applicable  
19 accrediting organization; and

20               (3) submit to inspection by the commission or by a  
21 local designee of the commission at the person's expense.

22       (c) An anatomical supplier may not distribute a body or  
23 anatomical specimen to a person located in another state unless the  
24 person has been approved by the commission under this section to  
25 receive bodies or anatomical specimens.

26       SUBCHAPTER D. PUBLIC INTEREST INFORMATION; COMPLAINTS

27       Sec. 691A.151. PUBLIC INFORMATION AND PARTICIPATION;

1 COMPLAINTS. The commission shall prepare information of public  
2 interest describing the functions of the commission under this  
3 chapter and the commission's procedures for receiving and resolving  
4 complaints filed with the commission. The commission shall make  
5 the information available to the appropriate state agencies and  
6 publish the information on the commission's Internet website.

7 Sec. 691A.152. COMPLAINTS. (a) The commission shall  
8 provide to individuals who make an anatomical gift under this  
9 chapter, or who receive services from the commission under this  
10 chapter or from a person licensed under this chapter, the  
11 commission's contact information for filing complaints related to  
12 those services, including the commission's name, mailing address,  
13 and telephone number. The commission may notify individuals by  
14 including the commission's complaint contact information on each  
15 written contract relating to bodies willed or donated to a person  
16 licensed or regulated by the commission. The commission shall  
17 publish the commission's complaint contact information on the  
18 commission's Internet website.

19 (b) The commission shall maintain an information file on  
20 each complaint filed with the commission relating to the  
21 commission's functions under this chapter. If a complaint is filed  
22 with the commission relating to a person licensed by the commission  
23 under this chapter, the commission shall periodically notify the  
24 parties to the complaint of the status of the complaint until final  
25 disposition unless notice would jeopardize an undercover  
26 investigation.

27 Sec. 691A.153. PUBLIC COMMENT ON COMMISSION FUNCTIONS. The



commission shall develop and implement policies that provide the public a reasonable opportunity to appear before the commission and speak on any issue under the jurisdiction of the commission.

SUBCHAPTER E. ANATOMICAL SUPPLIER LICENSE; SPECIAL PRACTICE REQUIREMENTS

Sec. 691A.201. LICENSE REQUIRED FOR ACQUIRING OR DISTRIBUTING BODY OR ANATOMICAL SPECIMEN; USE BY ANATOMICAL SUPPLIER PROHIBITED. (a) Except as provided by Section 691A.202, a person may not:

(1) acquire a body or anatomical specimen unless the person holds an anatomical supplier or researcher license issued under this chapter; or

(2) distribute a body or anatomical specimen within this state or to another jurisdiction, regardless of whether the body or anatomical specimen was acquired within this state or from another jurisdiction, unless the person:

(A) holds an anatomical supplier license issued under this subchapter; and

(B) distributes the body or anatomical specimen to a researcher or a person approved under Section 691A.110.

(b) An anatomical supplier may not use a body or anatomical specimen for any purpose other than distribution to a researcher or a person approved under Section 691A.110.

Sec. 691A.202. NONAPPLICABILITY. (a) Section 691A.201 does not apply to a person who acquires a body or anatomical specimen for law enforcement, cemetery, crematory, funeral, embalming, hospital, transplantation, or therapy purposes if the

person acts within the scope of the person's license or other lawful authorization in acquiring, distributing, using, and disposing of the body or anatomical specimen, as applicable.

(b) Section 691A.201 does not apply to a political subdivision required by law to receive and bury:

(1) unclaimed bodies; or

(2) bodies required to be buried at public expense.

Sec. 691A.203. LICENSE ELIGIBILITY. (a) Except as provided by Subsection (b), to be eligible for an anatomical supplier license, an applicant for the license:

(1) must be of good professional character;

(2) subject to Subsection (b), must maintain facilities and conduct operations that meet the standards applicable to anatomical facilities under Section 691A.253;

(3) may not hold a researcher license issued under this chapter or have a pending application with the commission for a researcher license; and

(4) must meet any other eligibility requirements established by commission rule for an anatomical supplier license under this subchapter.

(b) An applicant for an anatomical supplier license may satisfy the requirements of Subsection (a)(2) by holding an accreditation issued by a nationally recognized accreditation organization acceptable to the commission.

Sec. 691A.204. APPLICATION. A person may apply for an anatomical supplier license by submitting an application to the commission in the form and manner prescribed by commission rule.

1       Sec. 691A.205. LICENSE ISSUANCE. The commission shall  
2 issue an anatomical supplier license to an applicant who:

- 3               (1) submits an application;  
4               (2) meets the eligibility requirements of Section  
5 691A.203; and  
6               (3) pays any required fee.

7       Sec. 691A.206. PROVISIONAL ANATOMICAL SUPPLIER LICENSE.

8       (a) The commission by rule shall establish a provisional  
9 anatomical supplier license for an applicant for an anatomical  
10 supplier license who:

11               (1) has applied for the accreditation described by  
12 Section 691A.203(b) but is not yet accredited; and

13               (2) demonstrates to the satisfaction of the commission  
14 that the applicant is making a good faith effort to:

15                       (A) obtain the accreditation described by  
16 Section 691A.203(b); or

17                       (B) establish and maintain facilities and  
18 conduct operations that meet the standards applicable to anatomical  
19 facilities under Section 691A.253.

20       (b) The commission shall issue a provisional anatomical  
21 supplier license to an applicant who:

22               (1) submits an application for a provisional license;  
23               (2) meets the eligibility requirements under  
24 Subsection (a); and

25               (3) pays any required fee.

26       (c) A provisional anatomical supplier license issued under  
27 this section expires not later than the 180th day after the date the

1 provisional license is issued. On application, a provisional  
2 anatomical supplier license may be renewed not more than once for a  
3 renewal period not to exceed 180 days.

4 Sec. 691A.207. SEROLOGICAL TESTING REQUIRED. For each body  
5 or anatomical specimen an anatomical supplier acquires, the  
6 anatomical supplier shall ensure:

7 (1) the body or anatomical specimen receives full  
8 serological testing from a testing laboratory that holds a  
9 certificate issued by the federal Centers for Medicare and Medicaid  
10 Services for compliance with the Clinical Laboratory Improvement  
11 Amendments of 1988 (42 U.S.C. Section 263a);

12 (2) the test results described by Subdivision (1) show  
13 no indication of hepatitis B, hepatitis C, or HIV/AIDS; and

14 (3) the medical and social history of the individual  
15 whose body or anatomical specimen was donated accompanies the test  
16 results described by Subdivision (1).

17 SUBCHAPTER F. RESEARCHER LICENSE, STANDARDS, AND AUTHORIZED USES

18 Sec. 691A.251. LICENSE REQUIRED FOR EDUCATION OR RESEARCH  
19 USES. (a) Except as provided by Subsection (b), a person may not  
20 acquire a body or anatomical specimen to be used for education or  
21 research purposes unless the person:

22 (1) holds a researcher license issued under this  
23 subchapter; and

24 (2) acquires the body or anatomical specimen from an  
25 anatomical supplier.

26 (b) A willed body program that holds a researcher license  
27 may acquire a body or anatomical specimen for uses related to

education or research purposes from any person.

(c) A researcher may use a body or anatomical specimen only for education or research purposes.

Sec. 691A.252. LICENSE ELIGIBILITY. To be eligible for a researcher license, an applicant must:

(1) be of good professional character;

(2) comply with commission rules for handling bodies and anatomical specimens for purposes of education and research;

(3) be:

(A) a willed body program;

(B) a forensic science program;

(C) an anatomical facility;

(D) a search and rescue organization or recovery team;

(E) a surgical center;

(F) a medical device company;

(G) a fixed or mobile medical training facility;

(H) a hospital;

(I) an organ procurement organization, an eye bank, or a tissue bank, as defined by Section [692A.002](#); or

(J) a meeting facility in a hotel or convention center;

(4) pay any required fee; and

(5) meet any other eligibility requirements established by commission rule for a researcher license under this subchapter.

Sec. 691A.253. STANDARDS FOR LICENSING AND OPERATIONS OF

1 ANATOMICAL FACILITIES. (a) The commission shall adopt minimum  
2 standards for anatomical facilities licensed as researchers, and  
3 anatomical facilities applying for that license, under this  
4 subchapter.

5 (b) The standards must require a facility to:

6 (1) meet the applicable building, fire safety, and  
7 health standards imposed by this state, and if located in a  
8 municipality, imposed by the municipality for similar facilities;

9 (2) be in a fixed location;

10 (3) include a preparation room containing the  
11 equipment and supplies required by commission rule to ensure the  
12 provision of adequate services;

13 (4) be designed to ensure security and respectful  
14 treatment of bodies and anatomical specimens and to restrict public  
15 view of and access to bodies and anatomical specimens;

16 (5) include other facilities as necessary to comply  
17 with the applicable sanitary codes of:

18 (A) this state; and

19 (B) the municipality in which the facility is  
20 located, if the facility is located in a municipality; and

21 (6) include any other construction, health, and safety  
22 provisions the commission determines necessary to protect the  
23 public and donors.

24 Sec. 691A.254. STANDARDS FOR LICENSING AND OPERATION OF  
25 MEETING FACILITY IN HOTELS OR CONVENTION CENTERS. The commission  
26 shall adopt minimum standards for a meeting facility in a hotel or  
27 convention center with respect to:

1           (1) the education or research that may be performed in  
2 the facility and the researchers who may perform the education or  
3 research; and

4           (2) the facility in which the authorized education or  
5 research may be performed.

6           Sec. 691A.255. APPLICATION. A person may apply to the  
7 commission for a researcher license under this subchapter in the  
8 form and manner prescribed by commission rule.

9           Sec. 691A.256. LICENSE ISSUANCE. The commission shall  
10 issue a researcher license under this subchapter to an applicant  
11 who:

12                 (1) submits an application;

13                 (2) meets the applicable eligibility requirements of  
14 this subchapter for the type of entity applying for the license; and

15                 (3) pays any required fee.

16           Sec. 691A.257. USE BY WILLED BODY PROGRAM OR FORENSIC  
17 SCIENCE PROGRAM. A willed body program or forensic science program  
18 that holds a researcher license issued under this subchapter may  
19 only use a body or anatomical specimen for education or research  
20 that is:

21                 (1) conducted by an accredited medical, dental, health  
22 sciences, or forensic science training program supervised by  
23 professionals in educational environments in which knowledge,  
24 skills, and competencies are imparted in accordance with  
25 accrediting standards;

26                 (2) designed to expand knowledge within one of the  
27 fields listed in Subdivision (1); and

1           (3) for research use, formally approved by a  
2 recognized institutional review board or an equivalent ethical  
3 oversight body.

4           Sec. 691A.258. USE BY SEARCH AND RESCUE ORGANIZATION OR  
5 RECOVERY TEAM. A search and rescue organization or recovery team  
6 that holds a researcher license issued under this subchapter may  
7 only use a body or anatomical specimen for education or research  
8 purposes that relate to the organization's or team's functions,  
9 including canine cadaver training.

10                   SUBCHAPTER G. LICENSE RENEWAL

11           Sec. 691A.301. LICENSE TERM. A license issued under this  
12 chapter expires not later than the second anniversary of the date  
13 the license was issued, unless the commission establishes an  
14 earlier expiration date for the purpose of staggering license  
15 renewals.

16           Sec. 691A.302. RENEWAL APPLICATION. A person who holds a  
17 license under this chapter may apply to the commission to renew the  
18 license.

19           Sec. 691A.303. RENEWAL REQUIREMENTS. The commission may  
20 adopt rules for the renewal of a license under this chapter.

21                   SUBCHAPTER H. PRACTICE PROVISIONS FOR LICENSE HOLDERS

22           Sec. 691A.351. TRANSPORTATION OF BODIES; RECORDS. (a) The  
23 commission shall adopt rules to ensure that:

24                   (1) each body or anatomical specimen received or  
25 distributed under this chapter is properly transported;

26                   (2) a label with a statement that a container's  
27 contents are derived from human tissue is affixed to each container



1 in which a body or anatomical specimen is transported; and

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

4 (A) satisfactorily completes a chain-of-custody  
5 form prescribed by the commission to document the person's control  
6 or possession of the body or anatomical specimen;

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

9 (C) transfers the form to any other person to  
10 whom control or possession of the body or anatomical specimen is  
11 transferred.

12 (b) An anatomical supplier and researcher shall maintain a  
13 copy of each chain-of-custody form required by this section and  
14 submit a copy of each form to the commission.

15 (c) Each body or anatomical specimen transferred under this  
16 chapter shall be carefully deposited and transported with the least  
17 possible public display.

18 (d) A person who transfers a body or anatomical specimen  
19 under this chapter shall keep on permanent file records that:

20 (1) contain a description of the body or anatomical  
21 specimen, including if known the deceased person's name, race and  
22 ethnicity, sex, age, and place and reported cause of death and any  
23 other information available for identification of the body or  
24 anatomical specimen, such as the existence of scars or deformities;  
25 and

26 (2) track the possession of the body or anatomical  
27 specimen from intake to final disposition.

1       (e) The person who transfers a body or anatomical specimen  
2 under this chapter shall mail or otherwise safely convey to the  
3 person to whom the body is sent a copy of the description of the body  
4 or anatomical specimen required by Subsection (d)(1). The person  
5 receiving the body or anatomical specimen shall immediately and  
6 safely transmit to the transferor a receipt that:

7               (1) acknowledges the person received the body or  
8 anatomical specimen; and

9               (2) contains the full description of the body or  
10 anatomical specimen provided by the transferor.

11       (f) The transferor and receiver of each body or anatomical  
12 specimen shall:

13               (1) maintain the records required under this section  
14 in accordance with commission rule; and

15               (2) allow the commission or a district or county  
16 attorney to inspect the records described by Subdivision (1) at any  
17 time.

18       (g) The commission, in consultation with the advisory  
19 committee, shall adopt rules to enforce the documentation and  
20 labeling requirements of this section for each body and anatomical  
21 specimen distributed or received under this chapter.

22       Sec. 691A.352. COSTS OF DISTRIBUTION. A researcher  
23 acquiring a body or anatomical specimen under this chapter from an  
24 anatomical supplier shall pay the costs associated with the  
25 distribution in a manner specified by agreement with the anatomical  
26 supplier regarding the distribution.

27       Sec. 691A.353. REQUIRED DOCUMENTATION OF INFORMED CONSENT.

1 (a) Before a body or anatomical specimen may be acquired under this  
2 chapter, the anatomical supplier or researcher, as applicable,  
3 must:

4 (1) obtain verifiable documentation of the voluntary  
5 donation of the body or anatomical specimen under either Section  
6 691A.403 or 691A.404;

7 (2) ensure the documentation described by Subdivision  
8 (1) demonstrates clear, informed consent by the deceased, or a  
9 representative of the deceased authorized by law to provide  
10 consent, to donate the body or anatomical specimen for education or  
11 research purposes; and

12 (3) submit the documentation described by Subdivision  
13 (1) to the commission.

14 (b) The commission by rule may establish a time, not later  
15 than a reasonable date before the date of acquisition, for the  
16 submission of the documentation.

17 Sec. 691A.354. FINAL DISPOSITION. (a) Except as provided  
18 by Subsection (b), a person licensed under this chapter shall  
19 dispose of a body or anatomical specimen acquired under this  
20 chapter after any authorized use either through a third-party  
21 crematory licensed under Subchapter N, Chapter 651, Occupations  
22 Code, or through a crematory owned and operated by a willed body  
23 program. A person licensed under this chapter may not dispose of a  
24 body or anatomical specimen as medical waste or through the use of  
25 alkaline hydrolysis.

26 (b) A researcher shall return a donor's body or anatomical  
27 specimen after use to any person the donor designates or otherwise

dispose of the body or anatomical specimen, in accordance with the donor agreement.

(c) An anatomical supplier may only:

(1) distribute a body or anatomical specimen to a researcher, as provided by Section 691A.201, or to a person approved under Section 691A.110; or

(2) dispose of the body or anatomical specimen in accordance with this section.

(d) A researcher may only dispose of a body or anatomical specimen in accordance with this section.

Sec. 691A.355. INSPECTIONS AND AUDITS. A person licensed under this chapter shall allow the commission to inspect or audit the person's facilities, equipment, and records at any time in connection with the person's activities under this chapter.

Sec. 691A.356. ABUSE OF CORPSE: REPORT REQUIRED. To aid prosecutions under Section 42.08, Penal Code, as soon as possible after a person becomes aware of the possible abuse of a corpse, the person shall report the facts, as known, to the commission.

Sec. 691A.357. LIMITATION OF LIABILITY. (a) A person who acts in accordance with this chapter, the rules adopted under this chapter, and the applicable laws for acquiring, distributing, using, or disposing of bodies or anatomical specimens in this state is not liable for those actions in a civil action, criminal prosecution, or administrative proceeding.

(b) A person who acts in accordance with this chapter and the rules adopted under this chapter is not liable as a result of those actions except in the case of an act or omission by the person

1 that is intentional or constitutes gross negligence.

2 (c) A person donating a body or anatomical specimen,  
3 including the person's estate, is not liable for any injury or  
4 damage that results from the donation.

5 (d) In determining whether a donation has been made,  
6 amended, or revoked under this chapter, a person may rely on  
7 representations of an individual listed in Section 691A.404(a)(2),  
8 (3), (4), (5), (6), (7), or (8), relating to the individual's  
9 relationship to the donor unless the person knows the  
10 representation is untrue.

11 SUBCHAPTER I. DONATION OF BODY OR ANATOMICAL SPECIMEN

12 Sec. 691A.401. DONATION AUTHORIZED BEFORE DEATH. A person  
13 may donate a body or anatomical specimen to the following  
14 individuals or entities named in a will or other written  
15 instrument:

16 (1) a willed body program;  
17 (2) a forensic science program;  
18 (3) a search and rescue organization or recovery team;  
19 (4) a physician licensed to practice medicine in this  
20 state;

21 (5) an anatomical facility; or  
22 (6) a person licensed or approved under this chapter.

23 Sec. 691A.402. PROHIBITED DONATION OF CERTAIN BODIES;  
24 LIMITED EXCEPTION FOR APPROVED EDUCATION AND RESEARCH. (a)  
25 Notwithstanding any other provision of this chapter except  
26 Subsections (b) and (c), a person is prohibited from donating a body  
27 not claimed for burial or a body required to be buried at public

1 expense to another person for any reason.

2 (b) A donor, by will or other written instrument in  
3 accordance with Section 691A.403, may donate a donor's body to a  
4 person described by Section 691A.401 for use in education or  
5 research.

6 (c) A person who is authorized to claim a decedent's body  
7 for burial under Section 691A.452 may provide informed consent for  
8 the body to be donated to a person described by Section 691A.401 for  
9 use in education or research.

10 (d) The commission shall adopt rules necessary to implement  
11 this section.

12 Sec. 691A.403. DONATION OF BODY OR ANATOMICAL SPECIMEN BY  
13 WRITTEN INSTRUMENT. (a) An adult living in this state who is of  
14 sound mind may donate the adult's body or anatomical specimen by  
15 will or other written instrument to a person described by Section  
16 691A.401 as authorized by the commission to be used for education or  
17 research purposes.

18 (b) A donation is not effective under Subsection (a) unless  
19 the donor provides written informed consent by signing a form  
20 prescribed by the commission in the presence of two adult  
21 witnesses. The form must clearly convey:

22 (1) the donor's intent; and

23 (2) the donor's acknowledgment that the donor was  
24 informed about:

25 (A) the consequences of the anatomical donation  
26 before providing consent, including the potential for dividing the  
27 body into anatomical specimens for various uses by different

1 researchers;

2 (B) the intended use of the donated body or  
3 anatomical specimen by the person to whom the body or anatomical  
4 specimen is donated, if known; and

5 (C) if applicable, the condition in which the  
6 body or anatomical specimen will be returned to the person  
7 designated by the donor.

8 (c) For purposes of Subsection (b), the donor must be  
9 informed in writing about the information described by Subsection  
10 (b)(2) in a clear manner on a single piece of paper that is 8-1/2 by  
11 11 inches with 14-point type. The commission, in consultation with  
12 the advisory committee, by rule shall design and adopt a form that  
13 complies with this subsection and require persons licensed under  
14 this chapter to use the form.

15 (d) Appointment of an administrator or executor or issuance  
16 of a court order is not necessary before the body or anatomical  
17 specimen may be acquired under this chapter.

18 (e) A donor may specify the use for which the donor's body or  
19 anatomical specimen may be used, including whether the donor's body  
20 is authorized to be divided into anatomical specimens.

21 (f) A donor may revoke a donation made under this section by  
22 executing a written instrument in a manner similar to the original  
23 donation.

24 Sec. 691A.404. DONATION OF BODY OR ANATOMICAL SPECIMEN  
25 AFTER DONOR'S DEATH. (a) Any member of the following classes of  
26 persons who are reasonably available, in the order of priority  
27 listed, may donate the donor's body or anatomical specimen to a

person specified in Section 691A.401 for a purpose authorized by this chapter, unless the donor or the donor's agent made a donation under Section 691A.403, the donor indicated before death the donor did not want the donor's body donated, or an anatomical gift has been made in accordance with Section 692A.009:

(1) an agent of the donor at the time of death who could have donated the donor's body or anatomical specimen under Section 691A.403;

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

(c) A person may not make 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



1 donation.

2 (d) A donation is not effective under Subsection (a) unless  
3 the person authorized to donate the donor's body or anatomical  
4 specimen under this section provides written informed consent by  
5 signing a form prescribed by the commission in the presence of two  
6 adult witnesses. The form must clearly convey:

7 (1) the person's intent; and

8 (2) the person's acknowledgment that the person was  
9 informed about:

10 (A) the consequences of the donation before  
11 providing consent;

12 (B) the intended use of the donated body or  
13 anatomical specimen by the person to whom the body or anatomical  
14 specimen is donated, if known; and

15 (C) if applicable, the condition in which the  
16 body or anatomical specimen will be returned to the person.

17 (e) For purposes of Subsection (d), the person or class of  
18 persons authorized to donate the donor's body or anatomical  
19 specimen under this section must be informed in writing about the  
20 information described by Subsection (d)(2) in a clear manner on a  
21 single piece of paper that is 8-1/2 by 11 inches with 14-point type.  
22 The commission, in consultation with the advisory committee, by  
23 rule shall design and adopt a form that complies with this  
24 subsection and require persons licensed under this chapter to use  
25 the form.

26 (f) A person who makes a donation under this section may  
27 specify the use for which the donated body or anatomical specimen

1 may be used, including whether the donated body is authorized to be  
2 divided into anatomical specimens.

3 (g) A donation under this section may be revoked orally or  
4 in writing by any member of a class with higher priority under  
5 Subsection (a) who is reasonably available. If more than one member  
6 of the class with higher priority is reasonably available, the  
7 donation may be revoked only if a majority of the reasonably  
8 available members agree to the revocation or if the reasonably  
9 available members are equally divided as to whether to revoke the  
10 donation.

11 (h) A revocation under Subsection (g) is effective only  
12 before completion of the donation and the acceptance of the body or  
13 anatomical specimen.

14 SUBCHAPTER J. REGULATION OF UNCLAIMED BODIES; AUTOPSY

15 Sec. 691A.451. DUTY TO DELIVER CERTAIN BODIES. An officer,  
16 employee, or representative of the state, of a political  
17 subdivision, or of an institution having charge or control of a body  
18 not claimed for burial or a body required to be buried at public  
19 expense shall:

20 (1) notify the commission or the commission's  
21 representative of the body's existence when the body comes into the  
22 person's possession, charge, or control if the commission or the  
23 commission's representative provides to the person written notice  
24 of the notification requirement; and

25 (2) deliver or dispose of the body in accordance with  
26 the direction of the commission.

27 Sec. 691A.452. PERSONS WHO MAY CLAIM BODY FOR BURIAL. (a)

1 An officer, employee, or representative of the state, of a  
2 political subdivision, or of an institution is not required to give  
3 notice or deliver a body as required by Section 691A.451 if the body  
4 is claimed for burial.

5 (b) A relative, bona fide friend, or representative of an  
6 organization to which the deceased belonged may claim the body for  
7 burial. The person in charge of the body shall release the body to  
8 the claimant without requiring payment when the person is satisfied  
9 that the claimed relationship exists.

10 (c) A claimant alleging to be a bona fide friend or a  
11 representative of an organization to which the deceased belonged  
12 must present a written statement of the relationship under which  
13 the claimant qualifies as a bona fide friend or organization  
14 representative.

15 (d) For purposes of this section, a bona fide friend means a  
16 person who is like a member of the deceased person's family, and  
17 does not include:

18 (1) an ordinary acquaintance;

19 (2) an officer, employee, or representative of the  
20 state or a political subdivision having charge of a body not claimed  
21 for burial or a body required to be buried at public expense;

22 (3) an employee of an entity listed in Subdivision (2)  
23 with which the deceased was associated;

24 (4) a patient, inmate, or ward of an institution with  
25 which the deceased was associated;

26 (5) an officer, employee, or representative of an  
27 institution having charge of a body not claimed for burial or a body

1 required to be buried at public expense; or

2 (6) an employee of an institution with which the  
3 deceased was associated.

4 (e) A person described by Subsection (d)(4), (5), or (6) may  
5 qualify as a bona fide friend if the friendship existed before the  
6 deceased entered the institution.

7 Sec. 691A.453. PROCEDURE AFTER DEATH. (a) If a body is not  
8 claimed for burial immediately after death, the body shall be  
9 embalmed within 24 hours.

10 (b) For 72 hours after death, the person in charge of the  
11 institution having charge or control of the body shall make a  
12 reasonable effort to find a relative of the deceased and notify the  
13 relative of the death. If the person is not able to find a relative,  
14 the person shall file with the county clerk an affidavit stating  
15 that the person has made a diligent inquiry to find a relative and  
16 stating the inquiry the person made.

17 Sec. 691A.454. BODY OF TRAVELER. (a) If an unclaimed body  
18 is the body of a traveler who died suddenly, the commissioners court  
19 of the county in which the traveler died shall retain possession of  
20 the body until the earlier of the six months after the date of the  
21 traveler's death or the date the body is identified and claimed.

22 (b) The county may inter a body described by Subsection (a)  
23 before the expiration of the period described by that subsection  
24 provided the county disinters the body as necessary for  
25 identification purposes during that period.

26 Sec. 691A.455. AUTOPSY. Except as otherwise provided by  
27 law, only the commission may grant permission to perform an autopsy

1 on an unclaimed body. The commission may grant permission after  
2 receiving a specific request for an autopsy that shows sufficient  
3 evidence of medical urgency.

4 SUBCHAPTER K. ENFORCEMENT

5 Sec. 691A.501. LICENSE DENIAL, RENEWAL, SUSPENSION,  
6 REVOCAION. (a) Under procedures provided by Chapter 651,  
7 Occupations Code, the commission may refuse to issue or renew,  
8 suspend, revoke, or probate the suspension of a license, or  
9 reprimand a license holder, under this chapter if the commission  
10 determines that:

11 (1) a person violated this chapter or a rule adopted  
12 under this chapter, including improper use of a body or anatomical  
13 specimen; or

14 (2) for an applicant for a license under this chapter,  
15 the applicant fails to meet the eligibility requirements for the  
16 license.

17 (b) Notwithstanding this section or Section 2001.054,  
18 Government Code, a license under this chapter is not valid during  
19 the pendency of an appeal of a decision to refuse to issue, renew,  
20 suspend, or revoke the license.

21 Sec. 691A.502. CRIMINAL PENALTY: UNLICENSED PRACTICE;  
22 ACQUISITION; DISTRIBUTION; USE. (a) A person commits an offense if  
23 the person violates Section 691A.201 or 691A.251.

24 (b) An offense under this section is a state jail felony.

25 Sec. 691A.503. ADMINISTRATIVE PENALTY. The commission may  
26 assess an administrative penalty on a person who violates this  
27 chapter or a rule adopted under this chapter in an amount not to

1 exceed \$5,000 per violation under procedures provided by Subchapter  
2 L, Chapter 651, Occupations Code.

3 Sec. 691A.504. DEFENSE TO ABUSE OF CORPSE. It is a defense  
4 to prosecution under Section 42.08, Penal Code, that the actor  
5 engaged in activities authorized by this chapter in a manner that  
6 complies with this chapter and the rules adopted under this  
7 chapter.

8 SECTION 2. Section 692A.002, Health and Safety Code, is  
9 amended by adding Subdivision (3-a) to read as follows:

10 (3-a) "Commission" means the Texas Funeral Service  
11 Commission.

12 SECTION 3. Chapter 692A, Health and Safety Code, is amended  
13 by adding Section 692A.0035 to read as follows:

14 Sec. 692A.0035. LICENSE REQUIRED FOR WILLED BODY PROGRAM.  
15 A person may not acquire an anatomical gift as part of a willed body  
16 program, as defined by Section 691A.001, in this state unless the  
17 program is licensed under Chapter 691A.

18 SECTION 4. Section 692A.009(a), Health and Safety Code, is  
19 amended to read as follows:

20 (a) Subject to Subsections (b) and (c) and unless barred by  
21 Section 692A.007 or Section 692A.008, an anatomical gift of a  
22 decedent's body or part for the purpose of transplantation or[7]  
23 ~~therapy[, research, or education]~~ may be made by any member of the  
24 following classes of persons who is reasonably available, in the  
25 order of priority listed:

26 (1) an agent of the decedent at the time of death who  
27 could have made an anatomical gift under Section 692A.004(2)

1 immediately before the decedent's death;

2 (2) the spouse of the decedent;

3 (3) adult children of the decedent;

4 (4) parents of the decedent;

5 (5) adult siblings of the decedent;

6 (6) adult grandchildren of the decedent;

7 (7) grandparents of the decedent;

8 (8) an adult who exhibited special care and concern  
9 for the decedent;

10 (9) the persons who were acting as the guardians of the  
11 person of the decedent at the time of death;

12 (10) the hospital administrator; and

13 (11) any other person having the authority to dispose  
14 of the decedent's body.

15 SECTION 5. Sections 692A.011(a) and (b), Health and Safety  
16 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~~];

(5) a forensic science program licensed by the commission under Chapter 691A at:

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

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

(6) a search and rescue organization or recovery team licensed under Chapter 691A ~~[that is recognized by the Texas Funeral Service Commission, 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];~~

(7) a willed body program licensed under Chapter 691A ~~[the Texas Funeral Service Commission];~~ or

(8) an anatomical supplier licensed under Chapter 691A ~~[a non-transplant anatomical donation organization].~~

(b) A person described by Subsection (a) may acquire ~~[Except for donations described by Subsections (a)(1) through (6), the Texas Funeral Service Commission or a non-transplant anatomical donation organization shall be the donee of]~~ gifts of bodies or parts of bodies made for the purpose of education or research that are subject to distribution ~~[by the commission or organization]~~ under Chapter 691A only if the person holds the appropriate license issued under that chapter ~~[691]~~.

SECTION 6. Section 711.002, Health and Safety Code, is amended by amending Subsection (k) and adding Subsection (k-1) to read as follows:



1 (k) Any dispute among any of the persons listed in  
2 Subsection (a) concerning their right to control the disposition,  
3 including cremation, of a decedent's remains shall be resolved by a  
4 court with jurisdiction over probate proceedings for the decedent,  
5 regardless of whether a probate proceeding has been initiated.

6 (k-1) A cemetery organization or funeral establishment that  
7 is aware of a dispute described by Subsection (k) is ~~[shall]~~ not  
8 ~~[be]~~ liable for refusing to accept the decedent's remains, or to  
9 inter or otherwise dispose of the decedent's remains, until it  
10 receives a court order or other suitable confirmation that the  
11 dispute has been resolved or settled. A cemetery organization or  
12 funeral establishment that is unaware of a dispute described by  
13 Subsection (k) is not liable for disposing of the decedent's  
14 remains if the organization or establishment:

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

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

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

24 SECTION 7. Section 651.005, Occupations Code, is amended to  
25 read as follows:

26 Sec. 651.005. REGULATION OF CERTAIN LICENSED PERSONS  
27 ~~[WILLED BODY PROGRAMS, NON-TRANSPLANT ANATOMICAL DONATION~~

1 ~~ORGANIZATIONS, AND ANATOMICAL FACILITIES~~]. The commission shall  
2 regulate persons licensed under Chapter 691A, Health and Safety  
3 Code, [willed body programs, non-transplant anatomical donation  
4 organizations, and anatomical facilities as provided by that  
5 chapter [Chapter 691, Health and Safety Code, and in accordance  
6 with the powers and duties granted by this chapter to the extent  
7 necessary to regulate those persons [the programs, organizations,  
8 and facilities under that chapter].

9 SECTION 8. Section 651.202, Occupations Code, is amended by  
10 adding Subsection (g) to read as follows:

11 (g) Notwithstanding any other provision of this section, a  
12 commission employee may dismiss a complaint without further  
13 investigation under Subsection (c) if:

14 (1) the subject matter of the complaint is a funeral  
15 service provided under a contract with a license holder and the  
16 complainant is not:

17 (A) a party to the contract; or

18 (B) the person entitled under Section  
19 711.002(a), Health and Safety Code, to control the disposition of  
20 the remains of the decedent to whom the service relates; or

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

24 SECTION 9. Section 651.407(f), Occupations Code, is amended  
25 to read as follows:

26 (f) This section does not apply to a dead human body  
27 obtained by a school or college of mortuary science under Chapter

1 691A [~~691~~] or 692A, Health and Safety Code.

2 SECTION 10. Subchapter I, Chapter 651, Occupations Code, is  
3 amended by adding Section 651.411 to read as follows:

4 Sec. 651.411. SCOPE OF SERVICE INVOLVING CERTAIN ANATOMICAL  
5 GIFTS. The commission by rule may prescribe the minimum  
6 requirements for a licensed funeral establishment to provide a  
7 service in relation to an anatomical gift made under Chapter 691A or  
8 692A, Health and Safety Code, that is not intended for  
9 transplantation, including requirements for the storage or  
10 transportation of the anatomical gift.

11 SECTION 11. Section 411.12507(a), Government Code, is  
12 amended to read as follows:

13 (a) The Texas Funeral Service Commission is entitled to  
14 obtain criminal history record information as provided by  
15 Subsection (b) that relates to:

16 (1) a person who is:

17 (A) an applicant for a license or certificate  
18 under Sections 651.259 and 651.302, Occupations Code; or

19 (B) the holder of a license or certificate under  
20 Chapter 651, Occupations Code;

21 (2) an applicant for a license or a license holder  
22 under Chapter 691A, Health and Safety Code, or Chapter 651,  
23 Occupations Code;

24 (3) an applicant for employment at or current employee  
25 of the Texas Funeral Service Commission; or

26 (4) a person authorized to access vital records or the  
27 vital records electronic registration system under Chapter 191,

1 Health and Safety Code, or a funeral director.

2 SECTION 12. Chapter 691, Health and Safety Code, is  
3 repealed.

4 SECTION 13. Chapter 691A, Health and Safety Code, as added  
5 by this Act, applies to the donation of a body or anatomical  
6 specimen by will or other written instrument executed on or after  
7 the effective date of this Act. The donation of a body or  
8 anatomical specimen by will or other written instrument that is  
9 executed before the effective date of this Act is governed by the  
10 law as it existed immediately before that date, and that law is  
11 continued in effect for that purpose.

12 SECTION 14. Notwithstanding Section 691A.105, Health and  
13 Safety Code, as added by this Act, the Texas Funeral Service  
14 Commission is not required before December 1, 2027, to:

15 (1) adopt rules requiring license holders to comply  
16 with that section with respect to issuing unique identifiers; or

17 (2) maintain records in a searchable database.

18 SECTION 15. As soon as practicable after the effective date  
19 of this Act, but not later than March 1, 2026, the Texas Funeral  
20 Service Commission shall adopt rules necessary to implement  
21 Chapters 691A and 692A, Health and Safety Code, and Chapter 651,  
22 Occupations Code, as added or amended by this Act.

23 SECTION 16. Sections 691A.501, 691A.502, and 691A.503,  
24 Health and Safety Code, as added by this Act, take effect January 1,  
25 2026.

26 SECTION 17. Except as otherwise provided by this Act, this  
27 Act takes effect September 1, 2025.