

By: Taylor of Collin

S.B. No. 1214

A BILL TO BE ENTITLED

AN ACT

relating to the use of human remains for forensic science education, including the training of search and rescue animals.

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

SECTION 1. Section 691.022(a), Health and Safety Code, is amended to read as follows:

(a) The board shall distribute bodies and anatomical specimens to institutions and other persons authorized to receive them.

SECTION 2. Section 691.0225, Health and Safety Code, is amended to read as follows:

Sec. 691.0225. INFORMATIONAL DOCUMENT. The board shall develop a document to inform a person making a gift of a decedent's body or anatomical specimen for purposes of education, including forensic science education, or research of the risks and benefits associated with donation. The board shall make the document available on the board's Internet website.

SECTION 3. Section 691.023(a), Health and Safety Code, is amended to read as follows:

(a) 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 shall:

(1) notify the board or the board's representative of

1 the body's existence when the body comes into the person's  
2 possession, charge, or control if notified in writing to do so by  
3 the board or the board's representative;

4 (2) deliver the body in accordance with the direction  
5 of the board; and

6 (3) allow the board, the board's representative, or a  
7 physician designated by the board who complies with this chapter to  
8 remove the body to be used for the advancement of medical or  
9 forensic science.

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

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

16 SECTION 5. Section 691.028(a), Health and Safety Code, is  
17 amended to read as follows:

18 (a) An adult living in this state who is of sound mind may  
19 donate the adult's ~~his~~ body by will or other written instrument to  
20 the board, a medical or dental school, or another donee authorized  
21 by the board, to be used for the advancement of medical or forensic  
22 science.

23 SECTION 6. Section 691.030(a), Health and Safety Code, is  
24 amended to read as follows:

25 (a) The board or the board's representative shall  
26 distribute bodies donated to it and may redistribute bodies donated  
27 to medical or dental schools or other donees authorized by the board

to:

(1) schools and colleges of chiropractic, osteopathy, medicine, or dentistry incorporated in this state;

(2) forensic science programs;

(3) search and rescue organizations or recovery teams that are recognized by the board, 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) ~~to~~ physicians; and

(5) ~~to~~ other persons as provided by this section.

SECTION 7. Sections 691.033(a), (c), and (d), Health and Safety Code, are amended to read as follows:

(a) To further medical or forensic science, a school, college, or person designated by the board may use, dissect, operate on, examine, and experiment on a body or anatomical specimen distributed under this chapter.

(c) A law relating to the prevention of mutilation of a body does not apply to the use of a body as authorized under this section or a dissection, operation, examination, or experiment performed under this section.

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

SECTION 8. Sections 691.034(a), (c), and (d), Health and Safety Code, are amended to read as follows:

1 (a) The board shall inspect and may approve institutions and  
2 other persons for the receipt and use of bodies and anatomical  
3 specimens under this chapter.

4 (c) The board may suspend or revoke a person's or  
5 institution's authorization to receive and use or dissect bodies or  
6 anatomical specimens if the board determines that the person or  
7 institution has improperly used a body or anatomical specimen.

8 (d) A person or institution is entitled to a hearing before  
9 the board or a hearing examiner appointed by the board before the  
10 board may revoke the person's or institution's authorization to  
11 receive and use or dissect bodies or anatomical specimens. The  
12 board shall make all final decisions to suspend or revoke an  
13 authorization.

14 SECTION 9. Section 692A.002, Health and Safety Code, is  
15 amended by adding Subdivision (11-a) to read as follows:

16 (11-a) "Education" with respect to the purposes  
17 authorized by law for making an anatomical gift includes forensic  
18 science education and related training.

19 SECTION 10. Sections 692A.011(a) and (b), Health and Safety  
20 Code, are amended to read as follows:

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

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

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

26 (3) subject to Subsection (d), an individual  
27 designated by the person making the anatomical gift if the

individual is the recipient of the part;

(4) an eye bank or tissue bank, except that use of a gift of a whole body must be coordinated through the Anatomical Board of the State of Texas;

(5) a forensic science program 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; ~~or~~

(6) a search and rescue organization or recovery team that is recognized by the Anatomical Board of the State of Texas, 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) the Anatomical Board of the State of Texas.

(b) Except for donations described by Subsections (a)(1) through (6) ~~(5)~~, the Anatomical Board of the State of Texas 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 board under Chapter 691.

SECTION 11. As soon as practicable after the effective date of this Act, the Anatomical Board of the State of Texas shall adopt the rules necessary to implement the changes in law made by this Act to Chapter 691, Health and Safety Code, and Section 692A.011, Health and Safety Code.

SECTION 12. This Act takes effect September 1, 2015.