

BILL ANALYSIS

H.B. 2734
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concerns have been raised regarding the donation of the organs of a resident of a state supported living center in the event the resident's guardian predeceases the resident. H.B. 2734 seeks to address these concerns by allowing a resident's guardian to authorize a state supported living center to make an anatomical gift on behalf of a resident if the resident's guardian elects to make such an anatomical gift.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 of this bill.

ANALYSIS

H.B. 2734 amends the Health and Safety Code to require the executive commissioner of the Health and Human Services Commission by rule to prescribe, not later than December 1, 2019, a form that a resident's guardian may sign to authorize a state supported living center to make an anatomical gift on behalf of a resident if the resident's guardian elects to make such an anatomical gift in accordance with the Revised Uniform Anatomical Gift Act and predeceases the resident. The bill establishes that this requirement does not preclude a successor guardian from executing a document in accordance with that act that supersedes the form executed under the bill's provisions.

EFFECTIVE DATE

September 1, 2019.