

SUBJECT: Creating a form authorizing organ donation by state living center residents

COMMITTEE: Judiciary and Civil Jurisprudence — favorable, without amendment

VOTE: 7 ayes — Leach, Farrar, Julie Johnson, Krause, Meyer, Neave, White

0 nays

2 absent — Y. Davis, Smith

WITNESSES: For — Brenda Strama, Donate Life Texas; Al Mersiovsky; (*Registered, but did not testify*: Shayne Woodard, Donate Life Texas)

Against — None

On — (*Registered, but did not testify*: Laura Braly, Health and Human Services Commission)

BACKGROUND: Health and Safety Code ch. 692A, the Revised Uniform Anatomical Gift Act, allows the court-appointed guardian of an individual to authorize or refuse to authorize an anatomical gift on behalf of the individual before the prospective donor's death.

Interested parties have noted that when the guardian of an individual in a state-supported living center dies and no replacement guardian is designated, the state is not allowed to make an anatomical gift in the event of the resident's death.

DIGEST: HB 2734 would require the executive commissioner of the Health and Human Services Commission to prescribe a form that the guardian of a resident of a state-supported living center could sign authorizing the center to make an anatomical gift on behalf of the resident if the guardian predeceases the resident. The bill would not prevent a successor guardian of the resident from executing a separate document under the Revised Uniform Anatomical Gift Act that superseded the previous form.

The executive commissioner would be required to prescribe this form by December 1, 2019.

The bill would take effect September 1, 2019.

NOTES:

The author intends to introduce a floor amendment that would allow the anatomical gift authorization form to apply even if the guardian did not predecease the resident.