HOUSE
RESEARCH
ORGANIZATION bill digest          5/16/2023

SB 2186 (2nd reading)
Zaffirini
(S. Thompson)

SUBJECT:        Revising provisions on anatomical gifts

COMMITTEE:      Public Health — favorable, without amendment

VOTE:           8 ayes — Klick, Campos, Collier, J. Jones, V. Jones, Oliverson, Price, Smith

                1 nay — Tinderholt

                2 absent — Jetton, A. Johnson

SENATE VOTE:    On final passage (April 20) — 26 - 5

WITNESSES:      None *(considered in a formal meeting on May 3)*

BACKGROUND:     Health and Safety Code ch. 692A requires an individual making an anatomical gift on behalf of a person who is physically incapable of signing to sign a record in the presence of two adult witnesses. The chapter does not require a person making an anatomical gift on their own behalf to sign a record in the presence of any witnesses.

                Health and Safety Code ch. 692, the Texas Anatomical Gift Act, requires a donor to sign a record to make an anatomical gift in the presence of two adult witnesses. It also requires an individual signing on behalf of a person unable to sign to sign in the presence of the donor themselves, in addition to two adult witnesses. The section also authorizes the use of an online registration system to make an anatomical gift.

                Concerns have been raised that having both Health and Safety Code ch. 692 and 692A in effect has caused confusion for medical practitioners. Some have suggested that statute should be revised to provide more clarity regarding the manner of executing certain anatomical gift records.

DIGEST:         SB 2186 would repeal Health and Safety Code ch. 692 and amend Health and Safety Code ch. 692A to allow a donor to make an anatomical gift through the use of an online registry.

The bill would allow an individual, signing on behalf of a person who was physically incapable, to be acknowledged before a notary public as an alternative to being witnessed by two adults when making, amending, revoking, or refusing an anatomical gift.

The bill would take effect September 1, 2023, and would apply only to a document or the validity of a record executed on or after the effective date.