

BILL ANALYSIS

Senate Research Center
81R2042 YDB-D

S.B. 284
By: Nelson
Health & Human Services
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

There are currently no federal or state laws requiring tissue procurement organizations to be federally accredited.

As proposed, S.B. 284 strengthens the accreditation requirements for tissue transplantation and procurement companies and requires more stringent documentation for the transport of bodies and body parts.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Anatomical Board of the State of Texas (board) is modified in SECTION 2 (Section 691.031, Health and Safety Code) of this bill.

Rulemaking authority is expressly granted to the Texas Funeral Service Commission and the board in SECTION 3 (Section 692.005, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 691, Health and Safety Code, by adding Section 691.0225, as follows:

Sec. 691.0225. INFORMED CONSENT DOCUMENT. Requires the Anatomical Board of the State of Texas (board) to develop an informed consent document to inform a potential living donor or a person making a gift of a decedent's body or anatomical specimen of the risks and benefits associated with donation. Requires the board to make the document available on the board's Internet website and for distribution by funeral homes and crematories.

SECTION 2. Amends Section 691.031(a), Health and Safety Code, as follows:

(a) Requires the board to adopt rules to ensure that each person who has control or possession of a body or anatomical specimen satisfactorily completes the information required on a chain-of-custody form prescribed by the board, maintains a copy of the form for the person's records, and transfers the form to any other person to whom control or possession of the body or anatomical specimen is transferred.

SECTION 3. Amends Section 692.005, Health and Safety Code, by adding Subsections (d), (e), and (f), as follows:

(d) Prohibits an organ procurement organization from acting as a donee for a gift of a body or body part under this section unless the organization has provided the Texas Funeral Service Commission (TFSC) and the board a copy of the organization's organ procurement organization certification issued by the appropriate federal agency.

(e) Prohibits a qualified tissue procurement organization from acting as a donee for a gift of a body or body part under this section unless the organization has provided TFSC and the board a copy of the organization's accreditation by the American Association of Tissue Banks or another accreditation organization approved by TFSC and the board.

(f) Authorizes TFSC and the board to adopt rules as necessary to administer this section.

SECTION 4. Amends Chapter 692, Health and Safety Code, by adding Section 692.0146, as follows:

Section 692.0146. INFORMED CONSENT DOCUMENT. Requires the board to develop an informed consent document to inform a potential living donor or a person making an anatomical gift of the risks and benefits associated with donation. Requires the board to make the document available on the board's Internet website and for distribution by funeral homes and crematories.

SECTION 5. Requires the board, not later than January 1, 2010, to adopt the rules and the form required under Section 691.031(a), Health and Safety Code, as amended by this Act, and to develop the informed consent document required under Sections 691.0225 and 692.0146, Health and Safety Code, as added by this Act.

SECTION 6. (a) Effective date, except as provided by Subsection (b) of this section: September 1, 2009.

(b) Effective date, Sections 692.005(d) and (e), Health and Safety Code: January 1, 2010.