

BILL ANALYSIS

Senate Research Center

S.B. 2186
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State Affairs
6/13/2023
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law allows persons physically unable to sign a record indicating their desire to become organ donors, or modify their donor status, to direct another person to sign on their behalf. Executing such a record, however, requires two witnesses, one of whom must be a disinterested party. This places a burden on persons with disabilities who have limited contact with persons outside their family unit.

To address this, S.B. 2186 would add an alternative for a person unable to sign an anatomical gift record to execute it by having another person sign on their behalf before a notary. This would allow more persons to become organ donors.

S.B. 2186 also would repeal Chapter 692, Health and Safety Code, and relocate its substantive provisions to the appropriate chapter.

S.B. 2186 amends current law relating to the manner of executing certain anatomical gift records.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 692A.005, Health and Safety Code, by amending Subsections (a) and (b) and adding Subsection (b-1), as follows:

(a) Authorizes a donor to make a anatomical gift:

(1)-(3) makes no changes to these subdivisions; or

(4) as provided in Subsection (b) or (b-1).

(b) Provides that a record is authorized to be signed by another individual at the direction of a donor or other person authorized to make an anatomical gift, if the donor or other person is physically unable to sign the record, and is required to:

(1) be witnessed by at least two adults, at least one of whom is a disinterested witness, who have signed at the request of the donor or the other person, or be acknowledged before a notary public; and

(2) state that the record has been signed and witnessed or acknowledged as provided in Subdivision (1).

(b-1) Authorizes a donor or other person authorized to make an anatomical gift under Section 692A.004 (Persons Authorized to Make Anatomical Gift Before Donor's Death) to make a gift through an online registry. Provides that the online registration:

(1) does not require the consent of another person or require a witness to sign at the donor's request or a notary public to acknowledge the gift; and

(2) constitutes a legal document under Chapter 692A (Revised Uniform Anatomical Gift Act) that remains binding after the donor's death.

SECTION 2. Amends Section 692A.006(b), Health and Safety Code, as follows:

(b) Requires that a record signed pursuant to Subsection (a)(1)(C) (relating to authorizing a donor or other person authorized to make an anatomical gift to amend or revoke an anatomical gift by a record signed by certain other persons if the donor is physically unable to sign):

(1) be witnessed by at least two adults, at least one of whom is a disinterested witness, who have signed at the request of the donor or the other person, or be acknowledged before a notary public; and

(2) state that the record has been signed and witnessed or acknowledged as provided in Subdivision (1).

SECTION 3. Amends Section 692A.007(b), Health and Safety Code, as follows:

(b) Requires that a record signed pursuant to Subsection (a)(1)(B) (relating to authorizing an individual to refuse to make an anatomical gift of the individual's body or part by a record signed by another individual acting at the direction of the individual if the individual is physically unable to sign):

(1) be witnessed by at least two adults, at least one of whom is a disinterested witness, who have signed at the request of the individual, or be acknowledged before a notary public; and

(2) state that the record has been signed and witnessed or acknowledged as provided in Subdivision (1).

SECTION 4. Repealer: Chapter 692 (Texas Anatomical Gift Act), Health and Safety Code.

SECTION 5. Makes application of Sections 692A.005, 692A.006, and 692.007, Health and Safety Code, as amended by this Act, prospective.

SECTION 6. Makes application of the change in law made by this Act prospective.

SECTION 7. Effective date: September 1, 2023.