

BILL ANALYSIS

Senate Research Center
85R7949 JG-D

C.S.S.B. 1074
By: Buckingham
State Affairs
4/20/2017
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law allows parties with a legal or personal relationship with a deceased individual to make anatomical gift decisions on behalf of the deceased. However, there is a loophole that exists in current law that permits certain entities without a direct connection to an incapacitated or deceased individual to obtain guardianship rights for the purposes of making an anatomical gift.

S.B. 1074 seeks to close this loophole to ensure anatomical gift decisions are made only by those parties with an appropriate relationship to the individual. (Original Author's / Sponsor's Statement of Intent)

C.S.S.B. 1074 amends current law relating to the persons authorized to make an anatomical gift.

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.002(13), Health and Safety Code, to redefine "guardian."

SECTION 2. Amends Section 692A.009, Health and Safety Code, by amending Subsection (a) and adding Subsection (d), as follows:

(a) Includes an adult who exhibited special care and concern for the decedent other than a person associated with the hospital in possession of the decedent's body, rather than an adult who exhibited special care and concern for the decedent, in the list of persons authorized to make certain anatomical gifts of a decedent's body or part of a decedent's body. Deletes existing Subdivisions (10) and (11) including the hospital administrator and any other person having the authority to dispose of the decedent's body in the list of persons authorized to make certain anatomical gifts of a decedent's body or part of a decedent's body.

(d) Prohibits a procurement organization from petitioning a court to become the decedent's guardian or to otherwise be authorized to make an anatomical gift of the decedent's body or part.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: upon passage or September 1, 2017.