

BILL ANALYSIS

Senate Research Center
76R7515 DLF-F

S.B. 862
By: Gallegos
Health Services
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As Filed

DIGEST

Currently, organ allocation stems from the 1984 federal law, the Organ Procurement and Transplantation Act (PL 98-507), which gives the U.S. Department of Health and Human Services jurisdiction over the national organ allocation program. The United Network for Organ Sharing (UNOS) is a private organization contracted to administer the national Organ Procurement Transplant Network, which directs organ allocation. Under this system, organs are offered first to local patients waiting at transplant centers served by one of the three organ procurement organizations in Texas. Organ allocation consists of combined patient waiting lists in either a UNOS region or to all transplant centers within a 500-mile radius of the donor hospital, if the organ cannot be transplanted in the area where it was recovered. S.B. 862 would require organs recovered in Texas to stay in Texas, if there is a patient waiting in the state and the organ is deemed suitable.

PURPOSE

As proposed, S.B. 862 sets forth provisions regarding the donation of organs.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 692.002, Health and Safety Code, by adding Subdivisions (10) and (11), to define "transplant center" and "waiting list."

SECTION 2. Amends Section 692.005, Health and Safety Code, to authorize certain persons to be donees of gifts of bodies or parts, including a qualified organ procurement organization, for distribution to another person who may be a donee under this section, to be used for transplantation. Makes conforming changes.

SECTION 3. Amends Section 692.006(a), Health and Safety Code, to provide that a qualified organ procurement organization in this state is considered the specified donee, if the person dies in this state and does not specify the donee and the gift is a vascular organ that is suitable for transplantation. Authorizes the attending physician to accept the gift as donee at the time of death or after death for any other gift that is not made to a specified donee. Makes conforming changes.

SECTION 4. Amends Chapter 692, Health and Safety Code, by adding Section 692.0145, as follows:

Sec. 692.0145. DISTRIBUTION OF VASCULAR ORGANS FOR TRANSPLANTATION. Requires a qualified organ procurement organization that receives the gift of a vascular organ that is suitable for transplantation to distribute the organ for transplantation to an individual on a waiting list to be transplanted at a transplant center in this state. Requires the qualified organ procurement organization that received the organ, in accordance with a protocol adopted by the organization, to offer the organ to another qualified organ procurement organization for distribution to an individual on a waiting list and to be transplanted at a transplant center in another state, if the organ will not be used for transplantation in this state.

SECTION 5. Emergency clause.

Effective date: upon passage.