

BILL ANALYSIS

Senate Research Center
77R1358 DLF-D

H.B. 80
By: Gallego (Sibley)
Jurisprudence
4/25/2001
Engrossed

DIGEST AND PURPOSE

Under current Texas law, a person who acts in good faith in accordance with a hospital's protocol for identifying potential organ and tissue donors and the provisions for asking an authorized person to consent to donation on behalf of a decedent is not liable for civil damages or subject to criminal prosecution, except in the case of the person's own negligence. As proposed, H.B. 80 specifies the standard for liability as an act or omission that is intentional, wilfully or wantonly negligent, or done with conscious indifference or reckless disregard.

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 692.016(b), Health and Safety Code, to provide that a person who acts in good faith in accordance with Sections 692.013 and 692.014 is not liable as a result of the action except in the case of an act or omission of the person that is intentional, wilfully or wantonly negligent, or done with conscious indifference or reckless disregard. Deletes existing text regarding a person's own negligence.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2001.