

## **BILL ANALYSIS**

Senate Research Center

S.B. 1186  
By: Huffman  
Health & Human Services  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Medical Examiners conduct autopsies to determine the cause and manner of death of certain individuals. Autopsy specimens are a valuable source for the study of brain, neurodegenerative diseases like Alzheimer's and Parkinson's, and many infectious diseases including pulmonary tuberculosis. New and emerging infectious diseases can be impossible to diagnose accurately without adequate specimens.

Texas laws do not expressly authorize medical examiners to use medical waste from autopsies for education, research, and quality control. Medical examiners are currently allowed to retain autopsy tissues to determine the cause and manner of death. Some of these tissues are then classified as medical waste and are later disposed of.

S.B. 1186 would authorize the use of medical waste, as defined by the Department of State Health Services (DSHS), with the exclusion of waste produced on a farm or ranch or artificial and nonhuman materials removed from a patient. Tissue that is used must not have any identifying features of the decedent. Tissue removed during an autopsy that would have been disposed of as medical waste may be used to perform educational, diagnostic, or research activities. These activities may occur in collaboration with a nationally recognized research or educational institution under review by an institutional review board for compliance with applicable state and federal law. An opt-out is included that would prohibit use of tissue taken during an autopsy if a person authorized to make an anatomical gift on behalf of the decedent objects to the use of tissue based on a religious belief of the decedent.

As proposed, S.B. 1186 amends current law relating to the use by a medical examiner of certain medical waste and autopsy 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 Article 49.25, Code of Criminal Procedure, by adding Section 13B, as follows:

Sec. 13B. EDUCATION AND RESEARCH. (a) Defines "medical waste," for the purposes of this section, except that the term does not include waste produced on a farm or ranch as defined by Section 151.316 (Agricultural Items), Tax Code, or artificial, nonhuman materials removed from a patient and requested by the patient, including orthopedic devices and breast implants.

(b) Authorizes a medical examiner, except as provided by Subsection (d), to use tissue that is removed from a body during an autopsy to perform educational, diagnostic, or research activities after the autopsy if the tissue is medical waste. Authorizes these activities to be conducted in collaboration with a nationally recognized research or educational institution. Requires that any tissue used be deidentified.

(c) Requires that research activities conducted in collaboration with a nationally recognized research or educational institution be reviewed, in each case, by an institutional review board for compliance with applicable state and federal law.

(d) Prohibits a medical examiner from using tissue under Subsection (b) if the medical examiner receives a notarized affidavit signed by an individual authorized to make an anatomical gift on behalf of a decedent under Section 692A.009 (Who May Make Anatomical Gift of Decedent's Body or Part), Health and Safety Code, and stating that the decedent had a religious belief against the use of tissue removed from a body during the performance of an autopsy.

SECTION 2. Effective date: September 1, 2013.