

BILL ANALYSIS

Senate Research Center
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S.B. 1214
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Health & Human Services
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Search and rescue K-9s go through different types of training, including training in human remains detection, for search and rescue missions in cases of natural disasters or missing persons reports. Interested parties note that current training for human remains does not adequately prepare K-9s for these missions because trainers resort to using items with a human scent, but cannot use actual human remains.

Current law allows an individual to donate his or her body for the purposes of education, the advancement of medical science, and to schools and colleges of chiropractic, osteopathy, medicine, or dentistry. The law does not authorize use of human remains for forensic science. Consequently, search and rescue teams have a difficult time finding entities that will provide them with the training aids they need for human remains detection.

S.B. 1214 allows forensic science programs and individuals authorized by the Anatomical Board of the State of Texas to obtain human remains for the purpose of forensic science education and search and rescue training. These changes would allow forensic science programs, including qualified K-9 recovery programs, to use human remains for research and training purposes.

As proposed, S.B. 1214 amends current law relating to the use of human remains for forensic science education, including the training of search and rescue animals.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Anatomical Board of the State of Texas in SECTION 11 of this bill.

Rulemaking authority previously granted to the Anatomical Board of the State of Texas is modified in SECTION 7 (Section 691.033, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 691.022(a), Health and Safety Code, as follows:

(a) Requires the Anatomical Board of the State of Texas (board) to distribute bodies and anatomical specimens to institutions and other persons authorized to receive them.

SECTION 2. Amends Section 691.0225, Health and Safety Code, as follows:

Sec. 691.0225. INFORMATIONAL DOCUMENT. Requires the board to develop a document to inform a person making a gift of a decedent's body or anatomical specimen for purposes of education, including forensic science education, or research of the risks and benefits associated with donation. Requires the board to make the document available on the board's Internet website.

SECTION 3. Amends Section 691.023(a), Health and Safety Code, as follows:

(a) Requires an officer, employee, or representative of the state, of a political subdivision, or of an institution having charge or control of a body not claimed for burial or a body required to be buried at public expense to:

(1)-(2) Makes no change to these subdivisions.

(3) allow the board, the board's representative, or a physician designated by the board who complies with this chapter to remove the body to be used for the advancement of medical or forensic science.

SECTION 4. Amends Section 691.026, Health and Safety Code, as follows:

Sec. 691.026. BODY OF TRAVELER. Requires the board to direct the institution or other person receiving the body to retain the body for six months for purposes of identification, if an unclaimed body is the body of a traveler who died suddenly.

SECTION 5. Amends Section 691.028(a), Health and Safety Code, as follows:

(a) Authorizes an adult living in this state who is of sound mind to donate the adult's, rather than his, body by will or other written instrument to the board, a medical or dental school, or another donee authorized by the board, to be used for the advancement of medical or forensic science.

SECTION 6. Amends Section 691.030(a), Health and Safety Code, as follows:

(a) Requires the board or the board's representative to distribute bodies donated to it and authorizes the board to redistribute bodies donated to medical or dental schools or other donees authorized by the board to:

(1) Creates this subdivision from existing text;

(2) forensic science programs;

(3) search and rescue organizations or recovery teams that are recognized by the board, are exempt from federal taxation under Section 501(c)(3), Internal Revenue Code of 1986, and use human remains detection canines with the authorization of a local or county law enforcement agency;

(4)-(5) Creates these subdivisions from existing text. Makes nonsubstantive changes.

SECTION 7. Amends Sections 691.033(a), (c), and (d), Health and Safety Code, as follows:

(a) Authorizes a school, college, or person designated by the board to use, dissect, operate on, examine, and experiment on a body or anatomical specimen distributed under this chapter to further medical or forensic science.

(c) Provides that a law relating to the prevention of mutilation of a body does not apply to the use of a body as authorized under this section or a dissection, operation, examination, or experiment performed under this section.

(d) Requires the board to adopt rules that clearly state the activities that are authorized by the board in relation to the use or dissection of a body to aid prosecutions under Section 42.08 (Abuse of Corpse), Penal Code.

SECTION 8. Amends Sections 691.034(a), (c), and (d), Health and Safety Code, as follows:

(a) Requires the board to inspect and authorizes the board to approve institutions and other persons for the receipt and use of bodies and anatomical specimens under this chapter.

(c) Authorizes the board to suspend or revoke a person's or institution's authorization to receive and use or dissect bodies or anatomical specimens if the board determines that the person or institution has improperly used a body or anatomical specimen.

(d) Entitles a person or institution to a hearing before the board or a hearing examiner appointed by the board before the board is authorized to revoke the person's or institution's authorization to receive and use or dissect bodies or anatomical specimens. Requires the board to make all final decisions to suspend or revoke an authorization.

SECTION 9. Amends Section 692A.002, Health and Safety Code, by adding Subdivision (11-a) to define "education."

SECTION 10. Amends Sections 692A.011(a) and (b), Health and Safety Code, as follows:

(a) Authorizes an anatomical gift to be made to the following persons named in the document of gift:

(1)-(4) Makes no change to these subdivisions;

(5) Makes a nonsubstantive change;

(6) a search and rescue organization or recovery team that is recognized by the board, is exempt from federal taxation under Section 501(c)(3), Internal Revenue Code of 1986, and uses human remains detection canines with the authorization of a local or county law enforcement agency; or

(7) Creates this subdivision from existing text.

(b) Requires the board to be the donee of gifts of bodies or parts of bodies made for the purpose of education or research that are subject to distribution by the board under Chapter 691, except for donations described by Subsections (a)(1) through (6), rather than (a)(1) through (5).

SECTION 11. Requires the board to adopt the rules necessary to implement the changes in law made by this Act to Chapter 691, Health and Safety Code, and Section 692A.011, Health and Safety Code, as soon as practicable after the effective date of this Act.

SECTION 12. Effective date: September 1, 2015.