

BILL ANALYSIS

Senate Research Center
85R4567 JG-D

S.B. 1074
By: Buckingham
State Affairs
4/18/2017
As Filed

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.

As proposed, 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.009(a), Health and Safety Code, as follows:

- (a) Deletes existing Subdivision (10) including the hospital administrator among the list of persons authorized to make certain anatomical gifts of a decedent's body or part of a decedent's body. Redesignates existing Subdivision (11) as Subdivision (10) and makes no further changes to that subdivision.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2017.