

1-1 By: Zaffirini S.B. No. 2186
 1-2 (In the Senate - Filed March 9, 2023; March 22, 2023, read
 1-3 first time and referred to Committee on State Affairs;
 1-4 April 12, 2023, reported favorably by the following vote: Yeas 11,
 1-5 Nays 0; April 12, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the manner of executing certain anatomical gift
 1-22 records.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 692A.005, Health and Safety Code, is
 1-25 amended by amending Subsections (a) and (b) and adding Subsection
 1-26 (b-1) to read as follows:

1-27 (a) A donor may make an anatomical gift:

1-28 (1) by authorizing a statement or symbol indicating
 1-29 that the donor has made an anatomical gift to be imprinted on the
 1-30 donor's driver's license or identification card;

1-31 (2) in a will;

1-32 (3) during a terminal illness or injury of the donor,
 1-33 by any form of communication addressed to at least two adults, at
 1-34 least one of whom is a disinterested witness; or

1-35 (4) as provided in Subsection (b) or (b-1).

1-36 (b) A donor or other person authorized to make an anatomical
 1-37 gift under Section 692A.004 may make a gift by a donor card or other
 1-38 record signed by the donor or other person making the gift or by
 1-39 authorizing that a statement or symbol indicating the donor has
 1-40 made an anatomical gift be included on a donor registry. If the
 1-41 donor or other person is physically unable to sign a record, the
 1-42 record may be signed by another individual at the direction of the
 1-43 donor or other person and must:

1-44 (1) be witnessed by at least two adults, at least one
 1-45 of whom is a disinterested witness, who have signed at the request
 1-46 of the donor or the other person, or be acknowledged before a notary
 1-47 public; and

1-48 (2) state that the record has been signed and
 1-49 witnessed or acknowledged as provided in Subdivision (1).

1-50 (b-1) A donor or other person authorized to make an
 1-51 anatomical gift under Section 692A.004 may make a gift through an
 1-52 online registry. The online registration:

1-53 (1) does not require the consent of another person or
 1-54 require a witness to sign at the donor's request or a notary public
 1-55 to acknowledge the gift; and

1-56 (2) constitutes a legal document under this chapter
 1-57 that remains binding after the donor's death.

1-58 SECTION 2. Section 692A.006(b), Health and Safety Code, is
 1-59 amended to read as follows:

1-60 (b) A record signed pursuant to Subsection (a)(1)(C) must:

1-61 (1) be witnessed by at least two adults, at least one

2-1 of whom is a disinterested witness, who have signed at the request
2-2 of the donor or the other person, or be acknowledged before a notary
2-3 public; and

2-4 (2) state that the record has been signed and
2-5 witnessed or acknowledged as provided in Subdivision (1).

2-6 SECTION 3. Section 692A.007(b), Health and Safety Code, is
2-7 amended to read as follows:

2-8 (b) A record signed pursuant to Subsection (a)(1)(B) must:

2-9 (1) be witnessed by at least two adults, at least one
2-10 of whom is a disinterested witness, who have signed at the request
2-11 of the individual, or be acknowledged before a notary public; and

2-12 (2) state that the record has been signed and
2-13 witnessed or acknowledged as provided in Subdivision (1).

2-14 SECTION 4. Chapter 692, Health and Safety Code, is
2-15 repealed.

2-16 SECTION 5. Sections 692A.005, 692A.006, and 692A.007,
2-17 Health and Safety Code, as amended by this Act, apply only to the
2-18 validity of a record executed on or after the effective date of this
2-19 Act. The validity of a record executed before the effective date of
2-20 this Act is governed by the law in effect on the date the record was
2-21 executed, and that law continues in effect for that purpose.

2-22 SECTION 6. The change in law made by this Act applies only
2-23 to a document executed on or after the effective date of this Act. A
2-24 document executed before the effective date of this Act is governed
2-25 by the law on the date the document was executed, and that law is
2-26 continued in effect for that purpose.

2-27 SECTION 7. This Act takes effect September 1, 2023.

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