

AN ACT

relating to removal of corneal tissue from a decedent; providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 692, Health and Safety Code, is amended by adding Section 692.017 to read as follows:

Sec. 692.017. CIVIL PENALTY. (a) A person who removes corneal tissue from a decedent knowing that a gift authorizing the removal has not been made in accordance with Section 692.003 or 692.004 is liable to the state for a civil penalty.

(b) A person authorized to accept a gift under Section 692.005 or the agent or employee of a person authorized to accept a gift under Section 692.005 who accepts corneal tissue removed from a decedent knowing that a gift authorizing the removal has not been made in accordance with Section 692.003 or 692.004 is liable to the state for a civil penalty.

(c) A civil penalty under this section may not exceed \$500 for each violation. In assessing a penalty under this section, the court shall consider the seriousness of the violation.

(d) The attorney general may sue to collect the penalty.

SECTION 2. Subchapter A, Chapter 693, Health and Safety Code, is amended by adding Section 693.006 to read as follows:

Sec. 693.006. REMOVAL OF CORNEAL TISSUE. On a request from an eye bank, as defined in Section 692.002, the medical examiner,

1 justice of the peace, county judge, or physician designated by the
2 justice of the peace or county judge may permit the removal of
3 corneal tissue subject to the same provisions that apply to removal
4 of a visceral organ on the request of an organ procurement
5 organization under this subchapter. The provisions of this
6 subchapter relating to immunity and consent apply to the removal of
7 the corneal tissue.

8 SECTION 3. Subchapter B, Chapter 693, Health and Safety
9 Code, and Section 521.405, Transportation Code, are repealed.

10 SECTION 4. This Act applies only to removal of corneal
11 tissue on or after September 1, 2005. Removal of corneal tissue
12 before September 1, 2005, is governed by the law in effect
13 immediately before that date, and that law is continued in effect
14 for that purpose.

15 SECTION 5. This Act takes effect September 1, 2005.

David Dewhurst

President of the Senate

Jim Caddick

Speaker of the House

I certify that H.B. No. 1544 was passed by the House on April 14, 2005, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 1544 on May 19, 2005, by a non-record vote; and that the House adopted H.C.R. No. 215 authorizing certain corrections in H.B. No. 1544 on May 23, 2005, by a non-record vote.

Robert Haney

Chief Clerk of the House

I certify that H.B. No. 1544 was passed by the Senate, with amendments, on May 17, 2005, by the following vote: Yeas 31, Nays 0; and that the Senate adopted H.C.R. No. 215 authorizing certain corrections in H.B. No. 1544 on May 26, 2005, by a viva-voce vote.

Patsy Spaw

Secretary of the Senate

APPROVED: 18 JUNE '05

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
12:20 PM O'CLOCK

Roger Williams

Secretary of State