

By: _____.

___B. No. _____

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the making of an anatomical gift.

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

4 SECTION 1. Section 692A.005(b), Health and Safety Code, is
5 amended to read as follows:

6 (b) A donor or other person authorized to make an anatomical
7 gift under Section 692A.004 may make a gift by a donor card or
8 other record signed by the donor or other person making the gift
9 or by authorizing that a statement or symbol indicating the donor
10 has made an anatomical gift be included on a donor registry. If
11 the donor or other person is physically unable to sign a record,
12 the record may be signed by another individual at the direction of
13 the donor or other person and must:

14 (1) be witnessed by at least two adults, at least one
15 of whom is a disinterested witness, who have signed at the request
16 of the donor or the other person, or be acknowledged before a
17 notary public; and

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

20 SECTION 2. Section 692A.006(b), Health and Safety Code, is

1 amended to read as follows:

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

3 (1) be witnessed by at least two adults, at least one
4 of whom is a disinterested witness, who have signed at the request
5 of the donor or the other person, or be acknowledged before a
6 notary public; and

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

9 SECTION 3. Section 692A.007(b), Health and Safety Code, is
10 amended to read as follows:

11 (b) A record signed pursuant to Subsection (a)(1)(B) must:

12 (1) be witnessed by at least two adults, at least one of
13 whom is a disinterested witness, who have signed at the request of
14 the individual, or be acknowledged before a notary public; and

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

17 SECTION 4. Chapter 692, Health and Safety Code, is repealed.

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

1 SECTION 6. (a) Except as otherwise provided in this
2 section, the changes in law made by this Act apply to:

3 (1) a record described by Section 692A.005, 692A.006,
4 or 692A.007, Health and Safety Code, as amended by this Act,
5 created before, on, or after the effective date of this Act; and

6 (2) a judicial proceeding concerning a record described
7 by Subdivision (1) of this subsection that:

8 (A) commences on or after the effective date of
9 this Act; or

10 (B) is pending on the effective date of this Act.

11 (b) If the court finds that application of a provision of
12 this Act would substantially interfere with the effective conduct
13 of a judicial proceeding concerning a record described by
14 Subsection (a)(1) of this section that is pending on the effective
15 date of this Act or prejudice the rights of a party to the
16 proceeding, the provision of this Act does not apply, and the law
17 in effect immediately before the effective date of this Act applies
18 in those circumstances.

19 SECTION 7. This Act takes effect September 1, 2021.