

CHAPTER 485

S.B. No. 201

An Act relating to the membership, operations, finances, powers and duties, and continuation of, and imposition of certain fees by the Anatomical Board of the State of Texas; amending the following Articles of the Revised Statutes: 4583, as amended; 4583a; 4585, as amended; 4586; 4587; and 4589; and repealing Article 4588; and amending Section 4, Texas Anatomical Gift Act, as amended, and Subsection (b), Section 3, State Funds Reform Act of 1981 (Articles 4590-2 and 4393c, Vernon's Texas Civil Statutes).

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Article 4583, Revised Statutes, as amended, is amended to read as follows:

"Article 4583. BOARD AND DUTIES

"Section 1. (a) *The Anatomical Board of the State of Texas is composed of one representative from each school or college of chiropractic, osteopathy, medicine, or dentistry incorporated in this state.*

"(b) *On March 1 of each odd-numbered year, the chief executive officer of each institution described by Subsection (a) of this section shall appoint as the institution's representative on the board one professor of surgery or of basic anatomical sciences associated with the institution.*

"(c) *A person who is required to register as a lobbyist under Chapter 422, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-9c, Vernon's Texas Civil Statutes), by virtue of his activities for compensation in or on behalf of a profession related to the operation of the board, may not serve as a member of the board or act as the general counsel to the board.*

"(d) *Appointments to the board shall be made without regard to the race, creed, sex, religion, or national origin of the appointees.*

"(e) *It is a ground for removal from the board that a member:*

"(1) *does not have at the time of appointment the qualifications required by Subsection (a) of this section for appointment to the board;*

"(2) *does not maintain during the service on the board the qualifications required by Subsection (a) of this section for appointment to the board;*

"(3) *violates a prohibition established by Subsection (c) of this section;*

"(4) *is unable to discharge his duties for a substantial portion of the term for which he was appointed because of illness or disability; or*

"(5) *is absent from more than one-half of the regularly scheduled board meetings which the board member is eligible to attend during any two calendar years, not counting those absences excused by a majority of the board members.*

"(f) *If the secretary-treasurer of the board believes that a potential ground for removal of a board member exists, he shall notify the chairman of the board of that ground. The chairman of the board shall notify the chief executive officer of the institution represented by that member that a potential ground for removal exists.*

"(g) *The validity of an action of the board is not affected by the fact that it was taken when a ground for removal of a member of the board existed.*

"(h) *The board shall provide to its members and employees as often as is necessary information regarding their qualifications under this article and their responsibilities under applicable laws relating to standards of conduct for state officers or employees.*

"Section 2. (a) *The purpose of the board is to distribute and deliver dead human bodies to institutions and individuals authorized to receive bodies.*

"(b) *The board may adopt rules for its government. The board shall keep complete minutes of its transactions.*

"(c) *The board shall establish rules to ensure that human bodies in the custody of the board or in the custody of institutions represented on the board be treated with respect and dignity.*

"(d) *The board shall keep identification records of all bodies donated to the board or distributed by the board.*

"(e) *A member of the board or a district or county attorney at any time may inspect minutes or records required to be kept under this article.*

"Section 3. (a) *The board shall prepare information of public interest describing the functions of the board and describing the board's procedures by which complaints are filed with and resolved by the board. The board shall make the information available to the general public and appropriate state agencies.*

"(b) *The board shall adopt rules establishing methods by which service recipients can be notified of the name, mailing address, and telephone number of the board for the purpose of directing complaints to the board. The board may provide for such notification through inclusion of the information on each written contract relating to bodies willed or donated to an entity regulated by the board or authorized by the board to receive bodies.*

"(c) *The board shall develop and implement policies which will provide the public with a reasonable opportunity to appear before the board and to speak on any issue under the jurisdiction of the board.*

"(d) *The board shall keep an information file about each complaint filed with the board relating to its functions. If a written complaint is filed with the board relating to a person or an entity regulated by the board, the board at least as frequently as quarterly and until final disposition of the complaint shall notify the parties to the complaint of the status of the complaint*

unless notice would jeopardize an undercover investigation. [The professor of anatomy and the professor of surgery of each of the medical schools or colleges; and two professors from each chiropractic school or college now incorporated; and of the several medical, chiropractic, and dental schools and colleges which may hereafter be incorporated in this State are constituted a board; to be known as the Anatomical Board of the State of Texas; for the distribution and delivery of dead human bodies, hereinafter described; to and among such institutions as; under the provisions of this law; are entitled thereto: The board shall have power to establish rules and regulations for its government; and to appoint and remove proper officers of such board; and shall keep full and complete minutes of its transactions. Records sufficient for identification shall also be kept; under its direction; of all bodies received and distributed by said board and of persons to whom the same may be distributed; which minutes and records shall be open at all times to the inspection of each member of said board and of any district attorney or county attorney of this State.]”

SECTION 2. Article 4583a, Revised Statutes, is amended to read as follows:

“Article 4583a. The Anatomical Board of the State of Texas is subject to the Texas Sunset Act; and unless continued in existence as provided by that Act the board is abolished effective September 1, 1997 [1985].”

SECTION 3. Article 4585, Revised Statutes, as amended, is amended to read as follows:

“Article 4585. **DISTRIBUTION OF BODIES TO INSTITUTIONS.** (a) The board, or their duly authorized agents, may take and receive such bodies so delivered as aforesaid, and shall, upon receiving them, distribute and deliver them to and among the schools, colleges, physicians and surgeons aforesaid, including chiropractic colleges, in the manner following: Those bodies needed for lecture and demonstration in the said incorporated schools and colleges shall first be supplied; the remaining bodies shall then be distributed proportionately and equitably, the number assigned to each to be based upon the number of students receiving instruction or demonstration in normal or morbid anatomy and operative surgery, which number shall be certified by the dean of each school or college to the board at such times as it may direct. Instead of receiving and delivering said bodies themselves through their agent or servant, the said board may, from time to time, either directly or by their designated officer or agent authorize physicians and surgeons to receive them, and the number which each shall receive.

“(b) *The board may receive a body transported to the board from outside this state.*

“(c) *The board may transport a body to another state in which there is a shortage of bodies if the other state has agreed to ship bodies to this state when the other state has a surplus of bodies and the board determines that there is a shortage of them in this state and if:*

“(1) *the body is that of a person who, prior to death, in compliance with Article 4584, Revised Statutes, bequeathed his body for the purpose of enhancement of medical science and at the time of the bequest authorized the board to transport the body outside of this state; or*

“(2) *the body was donated in compliance with the Texas Anatomical Gift Act (Article 4590-2, Vernon’s Texas Civil Statutes) and the person authorized by Subsection (b) of Section 3 of that Act to make the donation also authorized the board to transport the body outside of this state.”*

SECTION 4. Article 4586, Revised Statutes, is amended to read as follows:

“Article 4586. **REGULATIONS FOR MOVING BODIES.** *The board shall adopt rules to ensure the proper transportation of bodies received or distributed by the board. The board may employ public carriers for the conveyance of said bodies, which shall be carefully deposited, with the least possible public display. The sender shall keep on permanent file a description by name, color, sex, age, place and cause of death of each body transmitted by him; or where the body shall be one of a person unknown, the color, age, sex, place and supposed cause of death; and any other data available for identification, such as scars, deformities, etc., shall be put on record. A duplicate of this description shall be mailed, or otherwise safely conveyed, to the person or institution to whom the body is being sent; and the person or institution receiving such body shall, without delay, safely transmit to the sender a receipt for the same in the full terms of the description furnished by the sender. All these records shall be filed in a manner to be determined by the board so that they may be at any time available for inspection by the board, or any district or county attorney of this State.”*

SECTION 5. Article 4587, Revised Statutes, is amended to read as follows:

“Article 4587. **MAY DISSECT BODIES.** (a) Any and all schools, colleges, and persons who may be designated by said Anatomical Board shall be authorized to dissect, operate upon, examine, and experiment upon such bodies hereinbefore described and distributed for the furtherance of medical science; and such dissections, operations, examinations, and experiments shall not be considered as amenable under any existing laws for the prevention of mutilation of dead human bodies. Such persons, schools, or colleges shall keep a permanent record, sufficient

for identification of each body received from such anatomical board or agent, which record shall be subject to inspection by the board, or its authorized officer or agent.

“(b) The board shall inspect and may approve institutions for the receipt and use of human bodies.

“(c) The board may investigate an institution or an individual described by Subsection (a) of this article if the board has reason to believe that the institution or individual has improperly used a body. The board may suspend or revoke an institution's or individual's authorization to receive and dissect bodies if the board determines that the institution or individual has improperly used a body. Prior to revocation, the individual or institution is entitled to a hearing before the board or a hearings officer appointed by the board. All final decisions to suspend or revoke shall be made by the board.

“(d) For the purpose of aiding prosecutions under Section 42.10, Penal Code, the board shall adopt rules clearly stating what activities related to the dissection of human bodies are authorized by the board. [The board shall also have power to authorize incorporated schools or colleges and individual physicians and surgeons to experiment on the lower animals under bond as hereinafter designated.]”

SECTION 6. Article 4589, Revised Statutes, is amended to read as follows:

“Article 4589. EXPENSES. (a) Neither the State, nor any county, nor municipality, nor any officer, agent or servant thereof, shall be at any expense by reason of the delivery or distribution of any such body; but all expense thereof, and of said board of distribution, shall be paid by those receiving the bodies in such manner as may be specified by said Anatomical Board, or otherwise agreed upon.

“(b) The secretary-treasurer of the board may deposit fees collected under this article in local accounts outside the State Treasury.

“(c) The board shall file annually with the governor and the presiding officer of each house of the legislature a complete and detailed written report accounting for all funds received and disbursed by the board during the preceding year. The form of the annual report and the reporting time shall be that provided in the General Appropriations Act.

“(d) The State Auditor shall audit the financial transactions of the board at least once during each biennium.

“(e) The board may fix and collect a reasonable and necessary fee for the collection and distribution of bodies.”

SECTION 7. Section 4, Texas Anatomical Gift Act, as amended (Article 4590-2, Vernon's Texas Civil Statutes), is amended to read as follows:

“Section 4. PERSONS WHO MAY BECOME DONEES, AND PURPOSES FOR WHICH ANATOMICAL GIFTS MAY BE MADE. The following persons may become donees of gifts of bodies or parts thereof for the purposes stated:

“(1) any hospital, surgeon, or physician, for medical or dental education, research, advancement of medical or dental science, therapy or transplantation; [✗]

“(2) any accredited medical, chiropractic, or dental school, college or university for education, research, advancement of medical or dental science or therapy; [✗]

“(3) any bank or storage facility, for medical or dental education, research, advancement of medical or dental science, therapy or transplantation; [✗]

“(4) any individual specified by a licensed physician for therapy or transplantation needed by him; [✗]

“(5) any eye bank whose medical activities are directed by a licensed physician or surgeon; or

“(6) the Anatomical Board of the State of Texas.”

SECTION 8. Subsection (b), Section 3, State Funds Reform Act of 1981 (Article 4393c, Vernon's Texas Civil Statutes), is amended to read as follows:

“(b) This Act does not apply to:

“(1) funds pledged to the payment of bonds, notes, or other debts if the funds are not otherwise required to be deposited in the state treasury;

“(2) funds held in trust or escrow for the benefit of any person or entity other than a state agency;

“(3) funds set apart out of earnings derived from investment of funds held in trust for others, as administrative expenses of the trustee agency;

“(4) funds, grants, donations, and proceeds from funds, grants, and donations, given in trust to the Texas State Library and Archives Commission for the establishment and maintenance of regional historical resource depositories and libraries in accordance with Section 2A, Chapter 503, Acts of the 62nd Legislature, Regular Session, 1971, as amended (Article 5442b, Vernon's Texas Civil Statutes); [✗]

“(5) the deposit of funds for state agencies subject to review under the Texas Sunset Act (Article 5429k, Vernon’s Texas Civil Statutes) for 1981, which shall be determined by each agency’s enabling statute; or

“(6) funds under the management of the secretary-treasurer of the Anatomical Board of the State of Texas, as provided by Article 4589, Revised Statutes.”

SECTION 9. Article 4588, Revised Statutes, is repealed.

SECTION 10. This Act takes effect September 1, 1985.

SECTION 11. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on February 6, 1985, by a viva-voce vote; passed the House on May 22, 1985, by a non-record vote.

Approved: June 12, 1985

Effective: September 1, 1985