

CHAPTER 40

S.B. No. 33

An Act relating to the transfer of human organs for valuable consideration and to offers to make such transfers; defining an offense and providing for a penalty; adding a new Section 48.02 to Chapter 48, Penal Code.

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

**SECTION 1.** Chapter 48, Penal Code, is amended by adding a new Section 48.02 to read as follows:

*“Section 48.02. PROHIBITION OF THE PURCHASE AND SALE OF HUMAN ORGANS. (a) ‘Human organ’ means the human kidney, liver, heart, lung, pancreas, eye, bone, skin, fetal tissue, or any other human organ or tissue, but does not include hair or blood, blood components (including plasma), blood derivatives, or blood reagents.*

*“(b) A person commits an offense if he or she knowingly or intentionally offers to buy, offers to sell, acquires, receives, sells, or otherwise transfers any human organ for valuable consideration.*

*“(c) It is an exception to the application of this section that the valuable consideration is: (1) a fee paid to a physician or to other medical personnel for services rendered in the usual course of medical practice or a fee paid for hospital or other clinical services; (2) reimbursement of legal or medical expenses incurred for the benefit of the ultimate receiver of the organ; or (3) reimbursement of expenses of travel, housing, and lost wages incurred by the donor of a human organ in connection with the donation of the organ.*

*“(d) A violation of this section is a felony of the third degree.”*

**SECTION 2.** 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, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on January 28, 1985, by the following vote: Yeas 29, Nays 0; March 5, 1985, Senate refused to concur in House amendments and requested appointment of Conference Committee; March 7, 1985, House granted request of the Senate; April 3, 1985, Senate adopted Conference Committee Report by a viva-voce vote; passed the House, with amendments, on February 26, 1985, by the following vote: Yeas 131, Nays 0; March 7, 1985, House granted request of the Senate for appointment of Conference Committee; April 1, 1985, House adopted Conference Committee Report by the following vote: Yeas 132, Nays 0, one present not voting.

Approved: April 18, 1985

Effective: August 26, 1985