

HEALTH AND SAFETY CODE

TITLE 8. DEATH AND DISPOSITION OF THE BODY

SUBTITLE B. DISPOSITION OF THE BODY

CHAPTER 691. DONATION OF BODIES AND ANATOMICAL SPECIMENS

SUBCHAPTER A. GENERAL PROVISIONS; STATE ANATOMICAL ADVISORY
COMMITTEE

Sec. 691.001. DEFINITIONS. In this chapter:

(1) "Advisory committee" means the State Anatomical Advisory Committee.

(1-a) "Anatomical facility" means a facility in this state inspected and approved by the commission under Section [691.034](#) that does not operate as a willed body program or a non-transplant anatomical donation organization.

(2) "Body" means a human corpse.

(3) "Anatomical specimen" means a part of a human corpse.

(4) "Commission" means the Texas Funeral Service Commission.

(5) "Non-transplant anatomical donation organization" means a person accredited to engage in the recovery, receipt, screening, testing, processing, storage, or distribution of tissue or human remains for any purpose other than transplantation into a living individual in this state.

(6) "Willed body program" means a program operated at an institution of higher education in this state that allows a living individual to donate the individual's body or anatomical specimen for educational or research purposes.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 2003, 78th Leg., ch. 948, Sec. 1, eff. Sept. 1, 2003.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 961 (S.B. [2040](#)), Sec. 1.03, eff. September 1, 2023.

Sec. 691.002. ADVISORY COMMITTEE. (a) The State Anatomical Advisory Committee is established to advise and provide

expertise to the commission on matters related to the regulation and operation of willed body programs, non-transplant anatomical donation organizations, and anatomical facilities in this state.

(b) The advisory committee is composed of seven members appointed by the commission as follows:

(1) two members who represent institutions of higher education that operate willed body programs;

(2) two members who represent non-transplant anatomical donation organizations;

(3) two members who represent anatomical facilities; and

(4) one public member.

(c) Members of the advisory committee serve two-year terms.

(d) An advisory committee member may be reappointed.

(e) Appointments to the advisory committee shall be made without regard to the race, creed, sex, religion, or national origin of the appointees.

(f) Sections [2110.002](#) and [2110.008](#), Government Code, do not apply to the advisory committee.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 961 (S.B. [2040](#)), Sec. 1.04, eff. September 1, 2023.

Sec. 691.010. PUBLIC INFORMATION AND PARTICIPATION; COMPLAINTS. (a) The commission shall prepare information of public interest describing the functions of the commission under this chapter and the commission's procedures by which complaints are filed with and resolved by the commission. The commission shall make the information available to the public and appropriate state agencies.

(b) The commission by rule shall establish methods by which service recipients can be notified of the name, mailing address, and telephone number of the commission for the purpose of directing complaints to the commission. The commission may provide for that notification by including the information on each written contract relating to bodies willed or donated to an entity regulated by the

commission or authorized by the commission to receive bodies.

(c) The commission shall keep an information file about each complaint filed with the commission relating to its functions under this chapter. If a written complaint is filed with the commission relating to a person or an entity regulated by the commission under this chapter, the commission shall periodically notify the parties to the complaint of the status of the complaint until final disposition unless notice would jeopardize an undercover investigation.

(d) The commission shall develop and implement policies that provide the public with a reasonable opportunity to appear before the commission and to speak on any issue under the jurisdiction of the commission.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 961 (S.B. [2040](#)), Sec. 1.07, eff. September 1, 2023.

Sec. 691.011. RECORDS. The commission shall keep identification records of each body donated to the commission and of each body or anatomical specimen distributed by the commission.

Acts 1989, 71st Leg., R.S., ch. 678 (H.B. 2136), Sec. 1, eff. Sept. 1, 1989. Amended by Acts 2003, 78th Leg., R.S., Ch. 948 (S.B. [1419](#)), Sec. 2, eff. Sept. 1, 2003.

Redesignated and amended by Acts 2023, 88th Leg., R.S., Ch. 961 (S.B. [2040](#)), Sec. 1.05, eff. September 1, 2023.

Sec. 691.012. FEES. (a) The commission by rule may set and collect fees in amounts reasonable and necessary to cover the cost of administering this chapter, including fees for:

(1) receiving and distributing bodies and anatomical specimens;

(2) conducting inspections and other verification activities authorized under Section [691.034](#); and

(3) registering willed body programs and non-transplant anatomical donation organizations.

(b) A non-transplant anatomical donation organization is

exempt from a fee described by Subsection (a)(1).

Acts 1989, 71st Leg., R.S., ch. 678 (H.B. 2136), Sec. 1, eff. Sept. 1, 1989. Amended by Acts 2003, 78th Leg., R.S., Ch. 948 (S.B. 1419), Sec. 3, eff. Sept. 1, 2003.

Redesignated and amended by Acts 2023, 88th Leg., R.S., Ch. 961 (S.B. 2040), Sec. 1.06, eff. September 1, 2023.

SUBCHAPTER B. DONATION AND DISTRIBUTION OF BODIES AND ANATOMICAL SPECIMENS

Sec. 691.021. DEFINITION. In this subchapter, "political subdivision" means a municipality, county, or special district.
Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Sec. 691.022. GENERAL DUTIES. (a) The commission shall distribute bodies and anatomical specimens to persons authorized to receive a body or specimen under this chapter. This subsection does not apply to a body or specimen donated to a registered non-transplant anatomical donation organization.

(b) The commission shall adopt rules to ensure that each body and anatomical specimen is treated with respect while in the custody of the commission or person authorized to receive the body or specimen.

(c) The commission shall adopt rules, establish procedures, and prescribe forms necessary to administer and enforce this chapter, including rules establishing registration and inspection requirements and procedures. The commission may issue a reprimand, assess an administrative penalty, impose other penalties, or revoke, suspend, or probate a registration or other authorization for a violation of this chapter or a commission rule adopted under this chapter, including a violation related to an inspection conducted under Section 691.034, in the manner provided by Chapter 651, Occupations Code.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 2003, 78th Leg., ch. 948, Sec. 5, eff. Sept. 1, 2003.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 624 (S.B. 1214), Sec. 1, eff.

September 1, 2015.

Acts 2023, 88th Leg., R.S., Ch. 961 (S.B. 2040), Sec. 1.08, eff. September 1, 2023.

Sec. 691.0225. INFORMATIONAL DOCUMENT. The commission shall develop a document to inform a person making a gift of a decedent's body or anatomical specimen about the options for donation authorized under this chapter. The commission shall make the document available on the commission's Internet website.

Added by Acts 2011, 82nd Leg., R.S., Ch. 875 (S.B. 187), Sec. 1, eff. September 1, 2011.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 624 (S.B. 1214), Sec. 2, eff. September 1, 2015.

Acts 2023, 88th Leg., R.S., Ch. 961 (S.B. 2040), Sec. 1.09, eff. September 1, 2023.

Sec. 691.023. DUTY TO DELIVER CERTAIN BODIES TO COMMISSION.

(a) An officer, employee, or representative of the state, of a political subdivision, or of an institution having charge or control of a body not claimed for burial or a body required to be buried at public expense shall:

(1) notify the commission or the commission's representative of the body's existence when the body comes into the person's possession, charge, or control if notified in writing to do so by the commission or the commission's representative;

(2) deliver the body in accordance with the direction of the commission; and

(3) allow the commission, the commission's representative, or a physician designated by the commission who complies with this chapter to remove the body to be used for the advancement of medical or forensic science.

(b) If the commission does not require a political subdivision or agency of the political subdivision to deliver a body under this section, the political subdivision shall pay all costs of preparation for burial, including costs of embalming.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 624 (S.B. [1214](#)), Sec. 3, eff. September 1, 2015.

Acts 2023, 88th Leg., R.S., Ch. 961 (S.B. [2040](#)), Sec. 1.10, eff. September 1, 2023.

Sec. 691.024. PERSONS WHO MAY CLAIM BODY FOR BURIAL. (a) An officer, employee, or representative of the state, of a political subdivision, or of an institution is not required to give notice or deliver a body as required by Section [691.023](#) if the body is claimed for burial.

(b) A relative, bona fide friend, or representative of an organization to which the deceased belonged may claim the body for burial. The person in charge of the body shall release the body to the claimant without requiring payment when the person is satisfied that the claimed relationship exists.

(c) A claimant alleging to be a bona fide friend or a representative of an organization to which the deceased belonged must present a written statement of the relationship under which the claimant qualifies as a bona fide friend or organization representative.

(d) For purposes of this section, a bona fide friend means a person who is like one of the family, and does not include:

- (1) an ordinary acquaintance;
- (2) an officer, employee, or representative of the state, of a political subdivision, or of an institution having charge of a body not claimed for burial or a body required to be buried at public expense;
- (3) an employee of an entity listed in Subdivision (2) with which the deceased was associated; or
- (4) a patient, inmate, or ward of an institution with which the deceased was associated.

(e) A person covered by Subsection (d) may qualify as a bona fide friend if the friendship existed before the deceased entered the institution.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Sec. 691.025. PROCEDURE AFTER DEATH. (a) If a body is not claimed for burial immediately after death, the body shall be embalmed within 24 hours.

(b) For 72 hours after death, the person in charge of the institution having charge or control of the body shall make due effort to find a relative of the deceased and notify the relative of the death. If the person is not able to find a relative, the person shall file with the county clerk an affidavit stating that the person has made a diligent inquiry to find a relative and stating the inquiry the person made.

(c) A body that is not claimed for burial within 48 hours after a relative receives notification shall be delivered as soon as possible to the commission or the commission's representative.

(d) A relative of the deceased may claim the body within 60 days after the body has been delivered to an institution or other entity authorized to receive the body. The body shall be released without charge.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 961 (S.B. [2040](#)), Sec. 1.11, eff. September 1, 2023.

Sec. 691.026. BODY OF TRAVELER. If an unclaimed body is the body of a traveler who died suddenly, the commission shall direct the institution or other person receiving the body to retain the body for six months for purposes of identification.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 624 (S.B. [1214](#)), Sec. 4, eff. September 1, 2015.

Acts 2023, 88th Leg., R.S., Ch. 961 (S.B. [2040](#)), Sec. 1.12, eff. September 1, 2023.

Sec. 691.027. AUTOPSY. Only the commission may grant permission to perform an autopsy on an unclaimed body. The commission may grant permission after receiving a specific request for an autopsy that shows sufficient evidence of medical urgency.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 961 (S.B. 2040), Sec. 1.13, eff. September 1, 2023.

Sec. 691.028. DONATION OF BODY BY WRITTEN INSTRUMENT.

(a) An adult living in this state who is of sound mind may donate the adult's body by will or other written instrument to the commission, a willed body program of a medical or dental school, a non-transplant anatomical donation organization, or another donee authorized by the commission to be used for the advancement of medical or forensic science.

(b) To be effective, the donor must provide informed consent by signing the will or other written instrument and it must be witnessed by two adults. The donor is not required to use a particular form or particular words in making the donation, but the will or other instrument must clearly convey:

(1) the donor's intent; and

(2) the donor's acknowledgment that the donor was informed about:

(A) the consequences of the donation before providing consent;

(B) the use the donee plans for the donated body parts; and

(C) if applicable, any body part and the condition in which the body part will be returned to the person designated by the donor.

(b-1) For purposes of Subsection (b), the donor must be informed in writing about the information described by Subsection (b)(2) in a clear manner on a single piece of paper that is 8-1/2 by 11 inches with 14-point type. The commission by rule shall design and adopt a form that complies with this subsection that willed body programs and non-transplant anatomical donation organizations must use.

(c) Appointment of an administrator or executor or acquisition of a court order is not necessary before the body may be delivered under this chapter.

(d) A donor may revoke a donation made under this section by executing a written instrument in a manner similar to the original donation.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 2003, 78th Leg., ch. 948, Sec. 6, eff. Sept. 1, 2003.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 624 (S.B. [1214](#)), Sec. 5, eff. September 1, 2015.

Acts 2023, 88th Leg., R.S., Ch. 961 (S.B. [2040](#)), Sec. 1.14, eff. September 1, 2023.

Sec. 691.029. AUTHORITY TO RECEIVE, DISTRIBUTE, AND TRANSFER BODIES OR ANATOMICAL SPECIMENS. The commission may receive, distribute, and transfer a body or anatomical specimen from inside or outside this state.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 961 (S.B. [2040](#)), Sec. 1.15, eff. September 1, 2023.

Sec. 691.030. COMMISSION'S AUTHORITY TO DISTRIBUTE BODIES AND ANATOMICAL SPECIMENS. (a) The commission or the commission's representative shall distribute bodies donated to it and may redistribute bodies donated to medical or dental schools or other donees authorized by the commission to:

(1) willed body programs of schools and colleges of chiropractic, osteopathy, medicine, or dentistry incorporated in this state;

(2) forensic science programs;

(3) search and rescue organizations or recovery teams that are recognized by the commission, are exempt from federal taxation under Section 501(c)(3), Internal Revenue Code of 1986, and use human remains detection canines with the authorization of a local or county law enforcement agency;

(4) physicians;

(5) anatomical facilities; and

(6) other persons as provided by this section.

(b) In making the distribution, the commission shall give priority to the schools and colleges that need bodies for lectures and demonstrations.

(c) If the commission has remaining bodies, the commission or the commission's representative shall distribute or redistribute those bodies to the schools and colleges proportionately and equitably according to the number of students in each school or college receiving instruction or demonstration in normal or morbid anatomy and operative surgery. The dean of each school or college shall certify that number to the commission when required by the commission.

(d) The commission may transport a body or anatomical specimen to an authorized recipient in another state if the commission determines that the supply of bodies or anatomical specimens in this state exceeds the need for bodies or anatomical specimens in this state and if:

(1) the deceased donated the deceased's body in compliance with Section [691.028](#) and at the time of the donation authorized the commission to transport the body outside this state; or

(2) the body was donated in compliance with Chapter [692A](#) and the person authorized to make the donation under Section [692A.009](#) authorized the commission to transport the body outside this state.

(e) This section does not apply to a body or anatomical specimen donated to a registered non-transplant anatomical donation organization.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 2003, 78th Leg., ch. 948, Sec. 7, eff. Sept. 1, 2003.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 186 (H.B. [2027](#)), Sec. 3, eff. September 1, 2009.

Acts 2015, 84th Leg., R.S., Ch. 624 (S.B. [1214](#)), Sec. 6, eff. September 1, 2015.

Acts 2023, 88th Leg., R.S., Ch. 961 (S.B. [2040](#)), Sec. 1.16, eff. September 1, 2023.

Sec. 691.031. TRANSPORTATION OF BODIES; RECORDS. (a) The commission shall adopt rules to ensure that:

(1) each body or anatomical specimen received or distributed under this chapter is properly transported;

(2) a label with a statement that the container's contents are derived from human tissue is affixed to the container in which the body or anatomical specimen is transported; and

(3) each person who has control or possession of a body or anatomical specimen:

(A) satisfactorily completes the information required on a chain-of-custody form prescribed by the commission;

(B) maintains a copy of the form for the person's records; and

(C) transfers the form to any other person to whom control or possession of the body or anatomical specimen is transferred.

(b) The commission may employ a public carrier to transport bodies or anatomical specimens received or distributed by the commission.

(c) Each body or anatomical specimen shall be carefully deposited and transported with the least possible public display.

(d) A person or institution who sends a body or anatomical specimen under this chapter shall keep on permanent file a description of the body or anatomical specimen that includes the deceased's name, if known, color, sex, age, place and supposed cause of death, and any other information available for identification of the body or anatomical specimen, such as the existence of scars or deformities.

(e) The sender shall mail or otherwise safely convey to the person or institution to whom the body is sent a copy of the description required by Subsection (d). The person or institution receiving the body or anatomical specimen shall immediately and safely transmit to the sender a receipt containing the full terms of the description furnished by the sender.

(f) The sender and receiver of each body or anatomical specimen shall file the records required under this section in accordance with commission rules so that the commission or a

district or county attorney may inspect the records at any time.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 2003, 78th Leg., ch. 948, Sec. 8, eff. Sept. 1, 2003.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 875 (S.B. [187](#)), Sec. 2, eff. September 1, 2011.

Acts 2023, 88th Leg., R.S., Ch. 961 (S.B. [2040](#)), Sec. 1.17, eff. September 1, 2023.

Sec. 691.032. COSTS OF DISTRIBUTION. A person or institution receiving a body or anatomical specimen under this chapter shall pay in a manner specified by the commission, or as otherwise agreed on, all costs incurred in distributing the body or anatomical specimen so that the state, a county, a municipality, or an officer, employee, or representative of the state, a county, or a municipality does not incur any expense.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 2003, 78th Leg., ch. 948, Sec. 9, eff. Sept. 1, 2003.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 961 (S.B. [2040](#)), Sec. 1.18, eff. September 1, 2023.

Sec. 691.033. USE OF BODIES AND ANATOMICAL SPECIMENS. (a) To further medical or forensic science, a willed body program, non-transplant anatomical donation organization, anatomical facility, or other person designated by the commission may use, dissect, operate on, examine, and experiment on a body or anatomical specimen distributed under this chapter.

(b) A willed body program, non-transplant anatomical donation organization, or other person shall keep a permanent record of each body or anatomical specimen received from the commission or the commission's representative. The record:

(1) must be sufficient to identify the body or anatomical specimen;

(2) must track the body or anatomical specimen from intake to final disposition; and

(3) may be inspected by the commission or the

commission's representative.

(c) A law relating to the prevention of mutilation of a body does not apply to the use of a body as authorized under this section or a dissection, operation, examination, or experiment performed under this section.

(d) To aid prosecutions under Section [42.08](#), Penal Code, the commission shall adopt rules that clearly state the activities that are authorized by the commission in relation to the use or dissection of a body.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1995, 74th Leg., ch. 76, Sec. 14.42, eff. Sept. 1, 1995; Acts 2003, 78th Leg., ch. 948, Sec. 10, eff. Sept. 1, 2003.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 624 (S.B. [1214](#)), Sec. 7, eff. September 1, 2015.

Acts 2023, 88th Leg., R.S., Ch. 961 (S.B. [2040](#)), Sec. 1.19, eff. September 1, 2023.

Sec. 691.034. REGULATION AND REGISTRATION OF PERSONS AND INSTITUTIONS USING BODIES AND ANATOMICAL SPECIMENS. (a) A willed body program or non-transplant anatomical donation organization may not operate in this state unless the program or organization registers with the commission in the form and manner prescribed by the commission.

(a-1) To be eligible for registration under this section, a non-transplant anatomical donation organization must be accredited by the American Association of Tissue Banks under the association's Standards for Non-Transplant Anatomical Donation. The commission may issue conditional registration to a non-transplant anatomical donation organization that is not yet accredited.

(a-2) The commission shall inspect and may approve willed body programs and anatomical facilities for the receipt and use of bodies and anatomical specimens under this chapter.

(a-3) The commission shall establish a process to periodically verify a non-transplant anatomical donation organization's compliance with the Standards for Non-Transplant Anatomical Donation published by the American Association of Tissue

Banks. The process:

(1) may authorize the commission to inspect a non-transplant anatomical donation organization; and

(2) may not:

(A) be duplicative of the accreditation process described by Subsection (a-1); or

(B) occur more frequently than once every five years.

(b) The commission may investigate a willed body program, non-transplant anatomical donation organization, anatomical facility, or other person if the commission has reason to believe that the program, organization, facility, or person has improperly used a body or anatomical specimen.

(b-1) The commission may inspect a non-transplant anatomical donation organization as part of an investigation described by Subsection (b).

(c) The commission may suspend or revoke a willed body program's, non-transplant anatomical donation organization's, anatomical facility's, or other person's registration or other authorization to receive and use or dissect bodies or anatomical specimens if the commission determines that the program, organization, facility, or person has improperly used a body or anatomical specimen.

(d) A willed body program, non-transplant anatomical donation organization, anatomical facility, or other person is entitled to a hearing before the commission or a hearing examiner appointed by the commission before the commission may revoke the program's, organization's, facility's, or person's registration or other authorization to receive and use or dissect bodies or anatomical specimens. The commission shall make all final decisions to suspend or revoke an authorization.

(e) A registered non-transplant anatomical donation organization must inform the commission within the time prescribed by commission rule if the organization loses its accreditation with the American Association of Tissue Banks.

(f) A commission member or holder of any license issued by the commission may not hold an ownership interest in a registered

non-transplant anatomical donation organization.

(g) The commission shall adopt rules and procedures necessary to administer this section.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 2003, 78th Leg., ch. 948, Sec. 11, eff. Sept. 1, 2003.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 624 (S.B. [1214](#)), Sec. 8, eff. September 1, 2015.

Acts 2023, 88th Leg., R.S., Ch. 961 (S.B. [2040](#)), Sec. 1.20, eff. September 1, 2023.

Sec. 691.035. CRIMINAL PENALTY. (a) A person commits an offense if the person has a duty imposed under this chapter and refuses, neglects, or omits to perform the duty as required by this chapter.

(b) An offense under this section is punishable by a fine of not less than \$100 or more than \$500.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.