Uniform Anatomical Gift Act (2006)

Why States Should Adopt the UAGA

The National Conference of Commissioners on Uniform State Laws ("NCCUSL") promulgated the Uniform Anatomical Gift Act ("UAGA") originally in 1968, and revised it in 1987. Although one or both of the versions were enacted in every state, the law on anatomical gifts is no longer uniform or harmonious with regard to organ, tissue, and eye donation. There are many reasons why every state should adopt the UAGA (2006) including:

- First person consent (i.e., an individual's anatomical gift of the individual's organs, eyes, and tissue, to take effect at death) is substantially strengthened to bar others from amending or revoking a gift (or refusal) made by the donor.

- Absent a first person consent, gifts by family and agents are facilitated if the deceased has not acted to make or refuse to make an anatomical gift by:
    - Expanding those that can act to include a health care agent, grandchildren, and persons exhibiting special care;
    - Easing consent by enabling a majority of a class to decide;
    - Eliminating the need for consent from individuals who are not "reasonably available"; and,
    - Clarifying the manner by which consent may be obtained.

- Specifically authorizes gifts on donor registries and state-issued identification cards.

- Registries are encouraged and standards are provided for their operations. Many states do not yet have donor registries.

- Provides for cooperation and coordination between procurement organizations and medical examiners, particularly with regard to procurement from potential donors under the jurisdiction of the medical examiner.

- Remedies for intentional acts in violation of the Act are provided while retaining immunity for good faith acts under the Act.

- Harmonizes the Uniform Anatomical Gift Act with federal law, current technology and practice, and Advance Medical Directives.

The Uniform Anatomical Gift Act (2006) is strongly supported by many organ, eye, and tissue procurement organizations because it will improve anatomical gift law in the states, thereby encouraging donations that save and improve lives. It should be enacted in every jurisdiction as quickly as possible.