Comparison of UAGA (2009) with existing Connecticut Law
(Prepared 2/24/10 by Christina Cotter, Research Attorney)

Legislative History of Connecticut Anatomical Gift Act:

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<tr>
<td><strong>SECTION 1. SHORT TITLE.</strong> This [act] may be cited as the Revised Uniform Anatomical Gift Act.</td>
<td>Sec. 19a-279a. Anatomical gifts: Definitions. As used in sections 19a-279a to 19a-279l, inclusive:</td>
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<td><strong>SECTION 2. DEFINITIONS.</strong> In this [act]:</td>
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<td>(1) “Adult” means an individual who is at least [18] years of age.</td>
<td>(1) &quot;Anatomical gift&quot; means a donation of all or part of a human body to take effect upon or after death.</td>
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<td>(2) “Agent” means an individual:</td>
<td>(2) &quot;Decedent&quot; means a deceased person and includes a stillborn infant or fetus.</td>
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<td>(A) authorized to make health-care decisions on the principal’s behalf by a power of attorney for health care; or</td>
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<td>(B) expressly authorized to make an anatomical gift on the principal’s behalf by any other record signed by the principal.</td>
<td>(3) &quot;Document of gift&quot; means an organ and tissue donor card, inclusion in a donor registry, a statement attached to or imprinted on a motor vehicle operator's or chauffeur's license, an indication on a signed motor vehicle operator's license application or renewal form, a will or other writing used to make an anatomical gift.</td>
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<td>(3) “Anatomical gift” means a donation of all or part of a human body to take effect after the donor’s death for the purpose of transplantation, therapy, research, or education.</td>
<td>(4) &quot;Donor&quot; means a person who makes an anatomical gift of all or part of his or her body.</td>
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<td>(4) “Decedent” means a deceased individual whose body or part is or may be the source of an anatomical gift. The term includes a stillborn infant and, subject to restrictions imposed by law other than this [act], a fetus.</td>
<td>(5) &quot;Hospital&quot; means a hospital licensed under chapter 368v or licensed, accredited or approved as a hospital under the law of any state or a facility operated as a hospital by the United States government, a state or a subdivision of a state.</td>
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<td>(5) “Disinterested witness” means a witness other than the spouse, child, parent, sibling, grandchild, grandparent, or guardian of the individual who makes, amends, revokes, or refuses to make an anatomical gift, or another adult who exhibited special care and concern for the individual. The term does not include a person to which an anatomical gift could pass under Section 11.</td>
<td>(6) &quot;Donor registry&quot; means an electronic database developed and</td>
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(6) “Document of gift” means a donor card or other record used to make an anatomical gift. The term includes a statement or symbol on a driver’s license, identification card, or donor registry.

(7) “Donor” means an individual whose body or part is the subject of an anatomical gift.

(8) “Donor registry” means a database that contains records of anatomical gifts and amendments to or revocations of anatomical gifts.

(9) “Driver’s license” means a license or permit issued by the [state department of motor vehicles] to operate a vehicle, whether or not conditions are attached to the license or permit.

(10) “Eye bank” means a person that is licensed, accredited, or regulated under federal or state law to engage in the recovery, screening, testing, processing, storage, or distribution of human eyes or portions of human eyes.

(11) “Guardian” means a person appointed by a court to make decisions regarding the support, care, education, health, or welfare of an individual. The term does not include a guardian ad litem.

(12) “Hospital” means a facility licensed as a hospital under the law of any state or a facility operated as a hospital by the United States, a state, or a subdivision of a state.

(13) “Identification card” means an identification card issued by the [state department of motor vehicles].

(14) “Know” means to have actual knowledge.

(15) “Minor” means an individual who is under [18] years of age.

(16) “Organ procurement organization” means a person designated by the Secretary of the United States Department of Health and Human Services as an organ procurement organization.

(17) “Parent” means a parent whose maintained by any procurement organization to identify donors.

(7) “Part” means an organ, tissue, eye, bone, artery, blood, fluid or other portion of a human body.

(8) “Person” means an individual, corporation, limited liability company, business trust, estate, trust, partnership, joint venture, association, government, governmental subdivision or agency or any other legal or commercial entity.

(9) “Physician” or "surgeon" means a person licensed to practice medicine and surgery under chapter 370 or the law of any other state.

(10) "Procurement organization" means a person licensed, accredited or approved under federal law or the laws of any state as a nonprofit organ and tissue procurement organization for procurement, distribution or storage of human bodies or parts.

(11) "State" means a state, territory or possession of the United States, the District of Columbia or the Commonwealth of Puerto Rico.

(12) "Technician" means a technician of an organ or tissue procurement organization which meets the requirements of the American Association of Tissue Banks or the Eyebank Association of America.
parental rights have not been terminated.

(18) “Part” means an organ, an eye, or tissue of a human being. The term does not include the whole body.

(19) “Person” means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(20) “Physician” means an individual authorized to practice medicine or osteopathy under the law of any state.

(21) “Procurement organization” means an eye bank, organ procurement organization, or tissue bank.

(22) “Prospective donor” means an individual who is dead or near death and has been determined by a procurement organization to have a part that could be medically suitable for transplantation, therapy, research, or education. The term does not include an individual who has made a refusal.

(23) “Reasonably available” means able to be contacted by a procurement organization without undue effort and willing and able to act in a timely manner consistent with existing medical criteria necessary for the making of an anatomical gift.

(24) “Recipient” means an individual into whose body a decedent’s part has been or is intended to be transplanted.

(25) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(26) “Refusal” means a record created under Section 7 that expressly states an intent to bar other persons from making an anatomical gift of an individual’s body or part.
(27) “Sign” means, with the present intent to authenticate or adopt a record:
   (A) to execute or adopt a tangible symbol; or
   (B) to attach to or logically associate with the record an electronic symbol, sound, or process.

(28) “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(29) “Technician” means an individual determined to be qualified to remove or process parts by an appropriate organization that is licensed, accredited, or regulated under federal or state law. The term includes an enucleator.

(30) “Tissue” means a portion of the human body other than an organ or an eye. The term does not include blood unless the blood is donated for the purpose of research or education.

(31) “Tissue bank” means a person that is licensed, accredited, or regulated under federal or state law to engage in the recovery, screening, testing, processing, storage, or distribution of tissue.

(32) “Transplant hospital” means a hospital that furnishes organ transplants and other medical and surgical specialty services required for the care of transplant patients.

SECTION 3. APPLICABILITY. This act applies to an anatomical gift or amendment to, revocation of, or refusal to make an anatomical gift, whenever made.
SECTION 4. WHO MAY MAKE ANATOMICAL GIFT BEFORE DONOR’S DEATH. Subject to Section 8, an anatomical gift of a donor’s body or part may be made during the life of the donor for the purpose of transplantation, therapy, research, or education in the manner provided in Section 5 by:

(1) the donor, if the donor is an adult or if the donor is a minor and is:
   (A) emancipated; or
   (B) authorized under state law to apply for a driver’s license because the donor is at least [insert the youngest age at which an individual may apply for any type of driver’s license] years of age;
(2) an agent of the donor, unless the power of attorney for health care or other record prohibits the agent from making an anatomical gift;
(3) a parent of the donor, if the donor is an unemancipated minor; or
(4) the donor’s guardian.

Sec. 19a-279f. Persons who may become donees; purposes for which anatomical gifts may be made. (a) The following persons may become donees of anatomical gifts for the purposes stated: (1) A hospital, physician, surgeon or procurement organization, for transplantation, therapy, medical or dental education, research, or advancement of medical or dental science; (2) an accredited medical or dental school, college or university for education, research, advancement of medical or dental science; or (3) a designated person for transplantation or therapy needed by that individual.

(b) An anatomical gift may be made to a designated donee or without designating a donee. If a donee is not designated or if the donee is not available or rejects the anatomical gift, the anatomical gift may be accepted by any hospital.

(c) If the donee knows of the decedent’s refusal or contrary indications to make an anatomical gift or that an anatomical gift by a member of a class having priority to act is opposed by a member of the same class or a prior class under subsection (a) of section 19a-279c, the donee may not accept the anatomical gift.

SECTION 5. MANNER OF MAKING ANATOMICAL GIFT BEFORE DONOR’S DEATH.

(a) A donor may make an anatomical gift:
   (1) by authorizing a statement or symbol indicating that the donor has made an anatomical gift to be imprinted on the donor’s driver’s license or identification card;
   (2) in a will;
   (3) during a terminal illness or injury of the donor, by any form of communication addressed to at least two adults, at least one of whom is a

Sec. 19a-279b. Making, amending, revoking and refusing to make an anatomical gift by an individual. (a) A person who is at least eighteen years of age may (1) make an anatomical gift for any of the purposes stated in subsection (a) of section 19a-279f, (2) limit an anatomical gift to one or more of such purposes, or (3) refuse to make an anatomical gift.

(b) An anatomical gift may be made by a document of gift signed by the donor. If the donor cannot sign, the document of gift shall be signed by another person and by two witnesses, all of whom have signed at
disinterested witness; or
(4) as provided in subsection (b).

(b) A donor or other person authorized to make an anatomical gift under Section 4 may make a gift by a donor card or other record signed by the donor or other person making the gift or by authorizing that a statement or symbol indicating that the donor has made an anatomical gift be included on a donor registry. If the donor or other person is physically unable to sign a record, the record may be signed by another individual at the direction of the donor or other person and must:

(1) be witnessed by at least two adults, at least one of whom is a disinterested witness, who have signed at the request of the donor or the other person; and

(2) state that it has been signed and witnessed as provided in paragraph (1).

(c) Revocation, suspension, expiration, or cancellation of a driver’s license or identification card upon which an anatomical gift is indicated does not invalidate the gift.

(d) An anatomical gift made by will takes effect upon the donor’s death whether or not the will is probated. Invalidation of the will after the donor’s death does not invalidate the gift.

SECTION 6. AMENDING OR REVOKING ANATOMICAL GIFT BEFORE DONOR’S DEATH.

(a) Subject to Section 8, a donor or other person authorized to make an anatomical gift under Section 4 may amend or revoke an anatomical gift by:

(1) a record signed by:
(A) the donor;

the direction and in the presence of the donor and of each other, and state that it has been so signed. In the absence of a revocation or amendment of any document of gift, health care providers licensed in this state and procurement organizations shall act in accordance with the donor’s intention and may take appropriate actions to effect the anatomical gift.

(c) If a document of gift is attached to or imprinted on a donor's motor vehicle operator's license, the document of gift shall comply with subsection (b) of this section. Revocation, suspension, expiration or cancellation of the license shall not invalidate the anatomical gift.

(d) A document of gift may designate a particular physician or surgeon to carry out the appropriate procedures. In the absence of a designation or if the designee is not available, the donee or other person authorized to accept the anatomical gift may employ or authorize any physician or surgeon to carry out the appropriate procedure.

(e) An anatomical gift by will shall take effect upon the death of the testator, whether or not the will is probated. If, after death, the will is declared invalid for testamentary purposes, the validity of the anatomical gift is unaffected.

…

Sec. 19a-279b. Making, amending, revoking and refusing to make an anatomical gift by an individual.

…

(f) A donor may amend or revoke an anatomical gift, not made by will, by: (1) A signed statement, (2) the delivery of a signed statement to a procurement
| (B) the other person; or | organization or a specified donee to whom a document of gift had been delivered, or (3) any form of communication during a terminal illness or injury addressed to a physician. |
| (C) subject to subsection (b), another individual acting at the direction of the donor or the other person if the donor or other person is physically unable to sign; or | (g) The donor of an anatomical gift made by will may amend or revoke the gift in the manner provided for amendment or revocation of wills, or as provided in subsection (f) of this section. |
| (2) a later-executed document of gift that amends or revokes a previous anatomical gift or portion of an anatomical gift, either expressly or by inconsistency. | (h) An anatomical gift that is not revoked by the donor before death is irrevocable and shall not require the consent or concurrence of any person after the death of the donor. |
| (b) A record signed pursuant to subsection (a)(1)(C) must: | … |
| (1) be witnessed by at least two adults, at least one of whom is a disinterested witness, who have signed at the request of the donor or the other person; and | (k) In the absence of contrary indications by the donor, a revocation or amendment of an anatomical gift is not a refusal to make another anatomical gift. If the donor intends a revocation to be a refusal to make an anatomical gift, the donor shall make the refusal pursuant to subsection (i) of this section. |
| (2) state that it has been signed and witnessed as provided in paragraph (1). | |
| (c) Subject to Section 8, a donor or other person authorized to make an anatomical gift under Section 4 may revoke an anatomical gift by the destruction or cancellation of the document of gift, or the portion of the document of gift used to make the gift, with the intent to revoke the gift. | |
| (d) A donor may amend or revoke an anatomical gift that was not made in a will by any form of communication during a terminal illness or injury addressed to at least two adults, at least one of whom is a disinterested witness. | |
| (e) A donor who makes an anatomical gift in a will may amend or revoke the gift in the manner provided for amendment or revocation of wills or as provided in subsection (a). | |

**SECTION 7. REFUSAL TO MAKE ANATOMICAL GIFT; EFFECT OF REFUSAL.**

(a) An individual may refuse to
(i) A person may refuse to make an anatomical gift of such person's body or part by (1) a writing signed in the same manner as a document of gift, or (2) any other writing used to identify the person as refusing to make an anatomical gift. During a terminal illness or injury, the refusal may be an oral statement or other form of communication addressed to a physician.

…
gift of the individual’s body or part.

**SECTION 8. PRECLUSIVE EFFECT OF ANATOMICAL GIFT, AMENDMENT, OR REVOCATION.**

(a) Except as otherwise provided in subsection (g) and subject to subsection (f), in the absence of an express, contrary indication by the donor, a person other than the donor is barred from making, amending, or revoking an anatomical gift of a donor’s body or part if the donor made an anatomical gift of the donor’s body or part under Section 5 or an amendment to an anatomical gift of the donor’s body or part under Section 6.

(b) A donor’s revocation of an anatomical gift of the donor’s body or part under Section 6 is not a refusal and does not bar another person specified in Section 4 or 9 from making an anatomical gift of the donor’s body or part under Section 5 or 10.

(c) If a person other than the donor makes an unrevoked anatomical gift of the donor’s body or part under Section 5 or an amendment to an anatomical gift of the donor’s body or part under Section 6, another person may not make, amend, or revoke the gift of the donor’s body or part under Section 10.

(d) A revocation of an anatomical gift of a donor’s body or part under Section 6 by a person other than the donor does not bar another person from making an anatomical gift of the body or part under Section 5 or 10.

(e) In the absence of an express, contrary indication by the donor or other person authorized to make an anatomical gift under Section 4, an anatomical gift of a part is neither a refusal to give another part nor a limitation on the making of an anatomical gift of another part at a later time by the donor or another person.

(f) In the absence of an express, contrary indication by the donor or other person authorized to make an anatomical gift under Section 4, an anatomical gift of a part is neither a refusal to give another part nor a limitation on the making of an anatomical gift of another part at a later time by the donor or another person.

Sec. 19a-279b. Making, amending, revoking and refusing to make an anatomical gift by an individual.

…

(j) In the absence of contrary indications by the donor, an anatomical gift of a part is neither a refusal to give other parts nor a limitation on an anatomical gift under section 19a-279c or on a removal or release of other parts under section 19a-279d.
contrary indication by the donor or other person authorized to make an anatomical gift under Section 4, an anatomical gift of a part for one or more of the purposes set forth in Section 4 is not a limitation on the making of an anatomical gift of the part for any of the other purposes by the donor or any other person under Section 5 or 10.

(g) If a donor who is an unemancipated minor dies, a parent of the donor who is reasonably available may revoke or amend an anatomical gift of the donor’s body or part.

(h) If an unemancipated minor who signed a refusal dies, a parent of the minor who is reasonably available may revoke the minor’s refusal.

SECTION 9. WHO MAY MAKE ANATOMICAL GIFT OF DECEDENT'S BODY OR PART.

(a) Subject to subsections (b) and (c) and unless barred by Section 7 or 8, an anatomical gift of a decedent’s body or part for purpose of transplantation, therapy, research, or education may be made by any member of the following classes of persons who is reasonably available, in the order of priority listed:

1. an agent of the decedent at the time of death who could have made an anatomical gift under Section 4(2) immediately before the decedent’s death;
2. the spouse of the decedent;
3. adult children of the decedent;
4. parents of the decedent;
5. adult siblings of the decedent;
6. adult grandchildren of the decedent;
7. grandparents of the decedent;
8. an adult who exhibited Sec. 19a-279c. Classes of persons who may make an anatomical gift of all or a part of decedent's body. (a) Any member of the following classes of persons, in the order of priority listed, may make an anatomical gift of all or a part of the decedent's body for an authorized purpose, unless the decedent, before or at the time of death, has made an unrevoked refusal to make that anatomical gift: (1) The spouse of the decedent; (2) a person designated by the decedent pursuant to section 1-56r; (3) an adult son or daughter of the decedent; (4) either parent of the decedent; (5) an adult brother or sister of the decedent; (6) a grandparent of the decedent; (7) a guardian of the person of the decedent at the time of death; (8) any person legally authorized to make health care decisions for the decedent prior to death, including, but not limited to, a health care representative appointed under section 19a-576; and (9) a conservator of the person, as defined in section 45a-644.

(b) An anatomical gift may not be made by a person listed in subsection (a) of this
special care and concern for the decedent;  
(9) the persons who were  
acting as the [guardians] of the person of  
the decedent at the time of death; and  
(10) any other person  
having the authority to dispose of the  
decedent’s body.  

(b) If there is more than one  
member of a class listed in subsection  
(a)(1), (3), (4), (5), (6), (7), or (9) entitled  
to make an anatomical gift, an anatomical  
gift may be made by a member of the class  
unless that member or a person to which  
the gift may pass under Section 11 knows  
of an objection by another member of the  
class. If an objection is known, the gift may  
be made only by a majority of the members  
of the class who are reasonably available.  

(c) A person may not make an  
anatomical gift if, at the time of the  
decedent’s death, a person in a prior class  
under subsection (a) is reasonably available  
to make or to object to the making of an  
anatomical gift.

| SECTION 10. MANNER OF MAKING, AMENDING, OR REVKING ANATOMICAL GIFT OF DECEDENT'S BODY OR PART. |
|---|---|
| (a) A person authorized to make an anatomical gift under Section 9 may make an anatomical gift by a document of gift signed by the person making the gift or by that person’s oral communication that is electronically recorded or is contemporaneously reduced to a record and signed by the individual receiving the oral communication. |
| (b) Subject to subsection (c), an anatomical gift by a person authorized under Section 9 may be amended or revoked orally or in a record by any member of a prior class who is reasonably available. If more than one member of the prior class is reasonably available, the gift |
| (c) An anatomical gift by a person authorized under subsection (a) of this section shall be made by (1) a document of gift signed by the person or (2) the person's telegraphic, recorded telephonic or other recorded message, or other form of communication from the person that is contemporaneously reduced to writing and signed by the recipient. |
| (d) An anatomical gift by a person authorized under subsection (a) of this section may be revoked by any member of the same or a prior class if, before procedures have begun for the removal of a part from the body of the decedent, the physician, surgeon or technician removing the part knows of the revocation. |
| Sec. 19a-279c. Classes of persons who may make an anatomical gift of all or a part of decedent's body. |
| … |
| (1) A person in a prior class is available at the time of death to make an anatomical gift; (2) the person proposing to make an anatomical gift knows of a refusal or contrary indications by the decedent; or (3) the person proposing to make an anatomical gift knows of an objection to making an anatomical gift by a member of the person's class or prior class. |
| … |
made by a person authorized under Section 9 may be:

(1) amended only if a majority of the reasonably available members agree to the amending of the gift; or

(2) revoked only if a majority of the reasonably available members agree to the revoking of the gift or if they are equally divided as to whether to revoke the gift.

(c) A revocation under subsection (b) is effective only if, before an incision has been made to remove a part from the donor’s body or before invasive procedures have begun to prepare the recipient, the procurement organization, transplant hospital, or physician or technician knows of the revocation.

| SECTION 11. PERSONS THAT MAY RECEIVE ANATOMICAL GIFT; PURPOSE OF ANATOMICAL GIFT. |
| (a) An anatomical gift may be made to the following persons named in the document of gift: |
| (1) a hospital; accredited medical school, dental school, college, or university; organ procurement organization; or other appropriate person, for research or education; |
| (2) subject to subsection (b), an individual designated by the person making the anatomical gift if the individual is the recipient of the part; |
| (3) an eye bank or tissue bank. |
| (b) If an anatomical gift to an individual under subsection (a)(2) cannot be transplanted into the individual, the part passes in accordance with subsection (g) in the absence of an express, contrary indication by the person making the anatomical gift. |
| (c) If an anatomical gift of one or more specific parts or of all parts is made |

Sec. 19a-270b. (Formerly Sec. 19a-284). Bodies to be used for medical study. Such bodies shall be used for the purposes of medical and surgical study only, in a manner consistent with public propriety, and in this state only.
in a document of gift that does not name a
person described in subsection (a) but
identifies the purpose for which an
anatomical gift may be used, the following
rules apply:

(1) If the part is an eye and
the gift is for the purpose of transplantation
or therapy, the gift passes to the appropriate
eye bank.

(2) If the part is tissue and
the gift is for the purpose of transplantation
or therapy, the gift passes to the appropriate
tissue bank.

(3) If the part is an organ
and the gift is for the purpose of
transplantation or therapy, the gift passes to
the appropriate organ procurement
organization as custodian of the organ.

(4) If the part is an organ, an
eye, or tissue and the gift is for the purpose
of research or education, the gift passes to
the appropriate procurement organization.

(d) For the purpose of subsection
c, if there is more than one purpose of an
anatomical gift set forth in the document of
gift but the purposes are not set forth in any
priority,
the gift must be used for transplantation or
therapy, if suitable. If the gift cannot be
used for transplantation or therapy, the gift
may be used for research or education.

(e) If an anatomical gift of one or
more specific parts is made in a document
of gift that does not name a person
described in subsection (a) and does not
identify the purpose of the gift, the gift may
be used only for transplantation or therapy,
and the gift passes in accordance with
subsection (g).

(f) If a document of gift specifies
only a general intent to make an anatomical
gift by words such as “donor”, “organ
donor”, or “body donor”, or by a symbol or
statement of similar import, the gift may be
used only for transplantation or therapy,
and the gift passes in accordance with
subsection (g).

(g) For purposes of subsections (b), (e), and (f) the following rules apply:

(1) If the part is an eye, the gift passes to the appropriate eye bank.

(2) If the part is tissue, the gift passes to the appropriate tissue bank.

(3) If the part is an organ, the gift passes to the appropriate organ procurement organization as custodian of the organ.

(h) An anatomical gift of an organ for transplantation or therapy, other than an anatomical gift under subsection (a)(2), passes to the organ procurement organization as custodian of the organ.

(i) If an anatomical gift does not pass pursuant to subsections (a) through (h) or the decedent’s body or part is not used for transplantation, therapy, research, or education, custody of the body or part passes to the person under obligation to dispose of the body or part.

(j) A person may not accept an anatomical gift if the person knows that the gift was not effectively made under Section 5 or 10 or if the person knows that the decedent made a refusal under Section 7 that was not revoked. For purposes of the subsection, if a person knows that an anatomical gift was made on a document of gift, the person is deemed to know of any amendment or revocation of the gift or any refusal to make an anatomical gift on the same document of gift.

(k) Except as otherwise provided in subsection (a)(2), nothing in this [act] affects the allocation of organs for transplantation or therapy.

SECTION 12. SEARCH AND NOTIFICATION.

(a) The following persons shall make a reasonable search of an individual who the person reasonably believes is dead or near death for a document of gift or Sec. 19a-279e. Discussion and request re anatomical gift; search and notification re document of gift or evidence of refusal. (a) If, at or near the time of death of a patient, there is no document of gift or other record that the patient has made or
other information identifying the individual as a donor or as an individual who made a refusal:

(1) a law enforcement officer, firefighter, paramedic, or other emergency rescuer finding the individual; and

(2) if no other source of the information is immediately available, a hospital, as soon as practical after the individual’s arrival at the hospital.

(b) If a document of gift or a refusal to make an anatomical gift is located by the search required by subsection (a)(1) and the individual or deceased individual to whom it relates is taken to a hospital, the person responsible for conducting the search shall send the document of gift or refusal to the hospital.

(c) A person is not subject to criminal or civil liability for failing to discharge the duties imposed by this section but may be subject to administrative sanctions.

refused to make an anatomical gift, the hospital administrator or a representative designated by the administrator shall discuss the option to make or refuse to make an anatomical gift and request the making of an anatomical gift pursuant to subsection (a) of section 19a-279c. The request shall be made with reasonable discretion and sensitivity to the circumstances of the family. A request is not required if the gift is not suitable, based upon accepted medical standards, for a purpose specified in section 19a-279f. An entry shall be made in the medical record of the patient stating the name and affiliation of the person making the request, and the name, response and relationship to the patient of the person to whom the request was made.

(b) The following persons shall make a reasonable search for a document of gift or other information identifying the bearer as a donor or as a person who has refused to make an anatomical gift: (1) A law enforcement officer, fireman, paramedic or other emergency rescuer finding a person who the searcher believes is dead or near death; (2) a hospital, upon the admission of a person at or near the time of death, if there is not immediately available any other source of that information; and (3) a procurement organization.

(c) If a document of gift or evidence of refusal to make an anatomical gift is located by the search required by subdivision (1) of subsection (b) of this section, and the person or body to whom it relates is taken to a hospital, the hospital shall be notified of the contents and the document or other evidence shall be sent to the hospital.

(d) If, at or near the time of death of a patient, a hospital knows that an anatomical
**SECTION 13. DELIVERY OF DOCUMENT OF GIFT NOT REQUIRED; RIGHT TO EXAMINE.**

(a) A document of gift need not be delivered during the donor’s lifetime to be effective.

(b) Upon or after an individual’s death, a person in possession of a document of gift or a refusal to make an anatomical gift with respect to the individual shall allow examination and copying of the document of gift or refusal by a person authorized to make or object to the making of an anatomical gift with respect to the individual or by a person to which the gift could pass under Section 11.

**Sec. 19a-279g. Delivery of document of gift.** (a) Delivery of a document of gift during the donor's lifetime is not required for the validity of an anatomical gift.

(b) If an anatomical gift is made to a designated donee, the document of gift, or a copy, may be delivered to the donee to expedite the appropriate procedures after death. The document of gift, or a copy, may be deposited in any hospital, procurement organization or registry office that accepts it for safekeeping or for facilitation of procedures after death. On request of an interested person, upon or after the donor's death, the person in possession shall allow the interested person to examine or copy the document of gift.

**SECTION 14. RIGHTS AND DUTIES OF PROCUREMENT ORGANIZATION AND OTHERS.**

(a) When a hospital refers an individual at or near death to a procurement organization, the organization shall make a reasonable search of the records of the [state department of motor vehicles] and any donor registry that it knows exists for

**Sec. 19a-279h. Rights and duties at death.** (a) Rights of a donee created by an anatomical gift are superior to rights of others except with respect to autopsies under subsection (b) of section 19a-279j. A donee may accept or reject an anatomical gift. If a donee accepts an anatomical gift of an entire body, the donee, subject to the terms of the gift, may allow embalming.
the geographical area in which the individual resides to ascertain whether the individual has made an anatomical gift.

(b) A procurement organization must be allowed reasonable access to information in the records of the [state department of motor vehicles] to ascertain whether an individual at or near death is a donor.

(c) When a hospital refers an individual at or near death to a procurement organization, the organization may conduct any reasonable examination necessary to ensure the medical suitability of a part that is or could be the subject of an anatomical gift for transplantation, therapy, research, or education from a donor or a prospective donor. During the examination period, measures necessary to ensure the medical suitability of the part may not be withdrawn unless the hospital or procurement organization knows that the individual expressed a contrary intent.

(d) Unless prohibited by law other than this [act], at any time after a donor’s death, the person to which a part passes under Section 11 may conduct any reasonable examination necessary to ensure the medical suitability of the body or part for its intended purpose.

(e) Unless prohibited by law other than this [act], an examination under subsection (c) or (d) may include an examination of all medical and dental records of the donor or prospective donor.

(f) Upon the death of a minor who was a donor or had signed a refusal, unless a procurement organization knows the minor is emancipated, the procurement organization shall conduct a reasonable search for the parents of the minor and provide the parents with an opportunity to revoke or amend the anatomical gift or revoke the refusal.

(g) Upon referral by a hospital under subsection (a), a procurement and use of the body in funeral services. If the gift is of a part of a body, the donee, upon the death of the donor and before embalming, shall cause the part to be removed without unnecessary mutilation. After removal of the part, custody of the remainder of the body shall vest in the person under obligation to dispose of the body.

(b) The time of death shall be determined by two physicians who attend the donor at death or, if none, the physicians who certify the death. Without limiting any other method of determining death, a donor may be pronounced dead if two physicians determine, in accordance with the usual and customary standards of medical practice, that the donor has suffered a total and irreversible cessation of all brain function. A total and irreversible cessation of all brain function shall mean that the heart and lungs of the donor cannot function, and are not functioning, without artificial supportive measures. Neither the physicians who attend the donor at death nor the physicians who determine the time of death may participate in the procedures for removing or transplanting a part unless the document of gift designates a particular physician or surgeon pursuant to subsection (d) of section 19a-279b.

Sec. 19a-279j. Examination, autopsy, liability. (a) An anatomical gift shall authorize any reasonable examination necessary to assure medical acceptability of the gift for the purposes intended, including, but not limited to, serological and compatibility testing. Notwithstanding any provision of the general statutes, a procurement organization may access and review the medical record of the potential donor for purposes of assessing donor suitability.
organization shall make a reasonable search for any person listed in Section 9 having priority to make an anatomical gift on behalf of a prospective donor. If a procurement organization receives information that an anatomical gift to any other person was made, amended, or revoked, it shall promptly advise the other person of all relevant information.

(h) Subject to Sections 11(i) and 23, the rights of the person to which a part passes under Section 11 are superior to the rights of all others with respect to the part. The person may accept or reject an anatomical gift in whole or in part. Subject to the terms of the document of gift and this [act], a person that accepts an anatomical gift of an entire body may allow embalming, burial or cremation, and use of remains in a funeral service. If the gift is of a part, the person to which the part passes under Section 11, upon the death of the donor and before embalming, burial, or cremation, shall cause the part to be removed without unnecessary mutilation.

(i) Neither the physician who attends the decedent at death nor the physician who determines the time of the decedent’s death may participate in the procedures for removing or transplanting a part from the decedent.

(j) A physician or technician may remove a donated part from the body of a donor that the physician or technician is qualified to remove.

Sec. 19a-270a. (Formerly Sec. 19a-283). Disposition of remains of bodies. The professors and teachers in the institutions designated in section 19a-270 shall dispose of the remains of all bodies, received in accordance with the provisions of this chapter, in a manner consistent with public propriety and as directed by the Department of Public Health, after the same have answered the purposes of study. Said department shall keep a record of the name, sex and last residence, if known, of each person whose body is so received.

SECTION 15. COORDINATION OF PROCUREMENT AND USE. Each hospital in this state shall enter into agreements or affiliations with procurement organizations for coordination of procurement and use of anatomical gifts.

SEC. 19a-279i. Coordination of procurement and use. Each hospital in this state, after consultation with other hospitals and procurement organizations, shall establish agreements or affiliations for coordination of procurement and use of human bodies and parts.

SECTION 16. SALE OR PURCHASE OF PARTS PROHIBITED.

Sec. 19a-280. (Formerly Sec. 19-139l). Sale of blood, tissue and organs. The
(a) Except as otherwise provided in subsection (b), a person that for valuable consideration, knowingly purchases or sells a part for transplantation or therapy if removal of a part from an individual is intended to occur after the individual’s death commits a [[felony] and upon conviction is subject to a fine not exceeding [$50,000] or imprisonment not exceeding [five] years, or both][class[ ] felony].

(b) A person may charge a reasonable amount for the removal, processing, preservation, quality control, storage, transportation, implantation, or disposal of a part.

implied warranties of merchantability and fitness shall not be applicable to a contract for the sale of human blood, blood plasma, or other human tissue or organs from a blood bank or reservoir of such other tissues or organs. Such blood, blood plasma, and the components, derivatives or fractions thereof, or tissue or organs shall not be considered commodities subject to sale or barter, but shall be considered as medical services.

Sec. 19a-280a. Prohibition against transfer for valuable consideration of any human organ for use in human transplantation. Penalty. (a) For the purposes of this section:

(1) "Human organ" means 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.

(2) "Valuable consideration" does not include (A) 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; (B) reimbursement of legal or medical expenses incurred for the benefit of the ultimate receiver of the organ; or (C) 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.

(b) No person shall knowingly acquire, receive or otherwise transfer for valuable consideration any human organ for use in human transplantation.

(c) Any person who violates the provisions of this section shall be guilty of a class A misdemeanor.
### SECTION 17. OTHER PROHIBITED ACTS.
A person that, in order to obtain a financial gain, intentionally falsifies, forges, conceals, defaces, or obliterates a document of gift, an amendment or revocation of a document of gift, or a refusal commits a [felony] and upon conviction is subject to a fine not exceeding [50,000] or imprisonment not exceeding [five] years, or both [class[ ] felony].

### SECTION 18. IMMUNITY.
(a) A person that acts in accordance with this [act] or with the applicable anatomical gift law of another state, or attempts in good faith to do so, is not liable for the act in a civil action, criminal prosecution, or administrative proceeding.
(b) Neither the person making an anatomical gift nor the donor’s estate is liable for any injury or damage that results from the making or use of the gift.
(c) In determining whether an anatomical gift has been made, amended, or revoked under this [act], a person may rely upon representations of an individual listed in Section 9(a)(2), (3), (4), (5), (6), (7), or (8) relating to the individual’s relationship to the donor or prospective donor unless the person knows that the representation is untrue.

### SECTION 19. LAW GOVERNING VALIDITY; CHOICE OF LAW AS TO EXECUTION OF DOCUMENT OF GIFT; PRESUMPTION OF VALIDITY.
(a) A document of gift is valid if executed in accordance with:
   (1) this [act];
   (2) the laws of the state or country where it was executed; or
   (3) the laws of the state or country where the person making the anatomical gift was domiciled, has a place
of residence, or was a national at the time the document of gift was executed.

(b) If a document of gift is valid under this section, the law of this state governs the interpretation of the document of gift.

(c) A person may presume that a document of gift or amendment of an anatomical gift is valid unless that person knows that it was not validly executed or was revoked.

SECTION 20. DONOR REGISTRY.

(a) The [insert name of appropriate state agency] may establish or contract for the establishment of a donor registry.

(b) The [state department of motor vehicles] shall cooperate with a person that administers any donor registry that this state establishes, contracts for, or recognizes for the purpose of transferring to the donor registry all relevant information regarding a donor’s making, amendment to, or revocation of an anatomical gift.

(c) A donor registry must:

(1) allow a donor or other person authorized under Section 4 to include on the donor registry a statement or symbol that the donor has made, amended, or revoked an anatomical gift;

(2) be accessible to a procurement organization to allow it to obtain relevant information on the donor registry to determine, at or near death of the donor or a prospective donor, whether the donor or prospective donor has made, amended, or revoked an anatomical gift; and

(3) be accessible for purposes of paragraphs (1) and (2) seven days a week on a 24-hour basis.

(d) Personally identifiable information on a donor registry about a donor or prospective donor may not be used or disclosed without the express
consent of the donor, prospective donor, or person that made the anatomical gift for any purpose other than to determine, at or near death of the donor or prospective donor, whether the donor or prospective donor has made, amended, or revoked an anatomical gift.

(e) This section does not prohibit any person from creating or maintaining a donor registry that is not established by or under contract with the state. Any such registry must comply with subsections (c) and (d).

SECTION 21. EFFECT OF ANATOMICAL GIFT ON ADVANCE HEALTH-CARE DIRECTIVE.

(a) In this section:

(1) “Advance health-care directive” means a power of attorney for health care or a record signed or authorized by a prospective donor containing the prospective donor’s direction concerning a health-care decision for the prospective donor.

(2) “Declaration” means a record signed by a prospective donor specifying the circumstances under which a life support system may be withheld or withdrawn from the prospective donor.

(3) “Health-care decision” means any decision regarding the health care of the prospective donor.

(b) If a prospective donor has a declaration or advance health-care directive and the terms of the declaration or directive and the express or implied terms of a potential anatomical gift are in conflict with regard to the administration of measures necessary to ensure the medical suitability of a part for transplantation or therapy, the prospective donor’s attending physician and prospective donor shall confer to resolve the conflict. If the prospective donor is incapable of resolving the conflict, an agent acting under the
prospective donor’s declaration or directive, or, if none or the agent is not reasonably available, another person authorized by law other than this [act] to make health-care decisions on behalf of the prospective donor, shall act for the donor to resolve the conflict. The conflict must be resolved as expeditiously as possible. Information relevant to the resolution of the conflict may be obtained from the appropriate procurement organization and any other person authorized to make an anatomical gift for the prospective donor under Section 9. Before resolution of the conflict, measures necessary to ensure the medical suitability of the part may not be withheld or withdrawn from the prospective donor if withholding or withdrawing the measures is not contraindicated by appropriate end-of-life care.

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<tr>
<th>SECTION 22. COOPERATION BETWEEN [CORONER] [MEDICAL EXAMINER] AND PROCUREMENT ORGANIZATION.</th>
<th>Sec. 19a-279d. Role of Chief Medical Examiner. The Chief Medical Examiner shall serve as a facilitator for tissue harvesting and organ procurement within the constraints imposed by his official investigative responsibilities.</th>
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<tbody>
<tr>
<td>(a) A [coroner] [medical examiner] shall cooperate with procurement organizations to maximize the opportunity to recover anatomical gifts for the purpose of transplantation, therapy, research, or education.</td>
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<tr>
<td>(b) If a [coroner] [medical examiner] receives notice from a procurement organization that an anatomical gift might be available or was made with respect to a decedent whose body is under the jurisdiction of the [coroner] [medical examiner] and a post-mortem examination is going to be performed, unless the [coroner] [medical examiner] denies recovery in accordance with Section 23, the [coroner] [medical examiner] or designee shall conduct a post-mortem examination of the body or the part in a manner and within a period compatible</td>
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with its preservation for the purposes of the gift.

(c) A part may not be removed from the body of a decedent under the jurisdiction of a [coroner] [medical examiner] for transplantation, therapy, research, or education unless the part is the subject of an anatomical gift. The body of a decedent under the jurisdiction of the [coroner] [medical examiner] may not be delivered to a person for research or education unless the body is the subject of an anatomical gift. This subsection does not preclude a [coroner] [medical examiner] from performing the medicolegal investigation upon the body or parts of a decedent under the jurisdiction of the [coroner] [medical examiner].

SECTION 23. FACILITATION OF ANATOMICAL GIFT FROM DECEDENT WHOSE BODY IS UNDER JURISDICTION OF [CORONER] [MEDICAL EXAMINER].

(a) Upon request of a procurement organization, a [coroner] [medical examiner] shall release to the procurement organization the name, contact information, and available medical and social history of a decedent whose body is under the jurisdiction of the [coroner] [medical examiner]. If the decedent’s body or part is medically suitable for transplantation, therapy, research, or education, the [coroner] [medical examiner] shall release post-mortem examination results to the procurement organization. The procurement organization may make a subsequent disclosure of the post-mortem examination results or other information received from the [coroner] [medical examiner] only if relevant to transplantation or therapy.

(b) The [coroner] [medical examiner] may conduct a medicolegal
examination by reviewing all medical records, laboratory test results, x-rays, other diagnostic results, and other information that any person possesses about a donor or prospective donor whose body is under the jurisdiction of the [coroner] [medical examiner] which the [coroner] [medical examiner] determines may be relevant to the investigation.

(c) A person that has any information requested by a [coroner] [medical examiner] pursuant to subsection (b) shall provide that information as expeditiously as possible to allow the [coroner] [medical examiner] to conduct the medicolegal investigation within a period compatible with the preservation of parts for the purpose of transplantation, therapy, research, or education.

(d) If an anatomical gift has been or might be made of a part of a decedent whose body is under the jurisdiction of the [coroner] [medical examiner] and a post-mortem examination is not required, or the [coroner] [medical examiner] determines that a post-mortem examination is required but that the recovery of the part that is the subject of an anatomical gift will not interfere with the examination, the [coroner] [medical examiner] and procurement organization shall cooperate in the timely removal of the part from the decedent for the purpose of transplantation, therapy, research, or education.

(e) If an anatomical gift of a part from the decedent under the jurisdiction of the [coroner] [medical examiner] has been or might be made, but the [coroner] [medical examiner] initially believes that the recovery of the part could interfere with the post-mortem investigation into the decedent’s cause or manner of death, the [coroner] [medical examiner] shall consult with the procurement organization or physician or technician designated by the procurement organization about the
proposed recovery. After consultation, the [coroner] [medical examiner] may allow the recovery.

(f) Following the consultation under subsection (e), in the absence of mutually agreed-upon protocols to resolve conflict between the [coroner] [medical examiner] and the procurement organization, if the [coroner] [medical examiner] intends to deny recovery, the [coroner] [medical examiner] or designee, at the request of the procurement organization, shall attend the removal procedure for the part before making a final determination not to allow the procurement organization to recover the part. During the removal procedure, the [coroner] [medical examiner] or designee may allow recovery by the procurement organization to proceed, or, if the [coroner] [medical examiner] or designee reasonably believes that the part may be involved in determining the decedent’s cause or manner of death, deny recovery by the procurement organization.

(g) If the [coroner] [medical examiner] or designee denies recovery under subsection (f), the [coroner] [medical examiner] or designee shall:

(1) explain in a record the specific reasons for not allowing recovery of the part;

(2) include the specific reasons in the records of the [coroner] [medical examiner]; and

(3) provide a record with the specific reasons to the procurement organization.

(h) If the [coroner] [medical examiner] or designee allows recovery of a part under subsection (d), (e), or (f), the procurement organization, upon request, shall cause the physician or technician who removes the part to provide the [coroner] [medical examiner] with a record describing the condition of the part, a biopsy, a photograph, and any other
information and observations that would assist in the post-mortem examination.

(i) If a [coroner] [medical examiner] or designee is required to be present at a removal procedure under subsection (f), upon request the procurement organization requesting the recovery of the part shall reimburse the [coroner] [medical examiner] or designee for the additional costs incurred in complying with subsection (f).

**SECTION 24. UNIFORMITY OF APPLICATION AND CONSTRUCTION.** In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

**SECTION 25. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT.** This act modifies, limits, and supersedes the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001 et seq., but does not modify, limit or supersedes Section 101(a) of that act, 15 U.S.C. Section 7001, or authorize electronic delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C. Section 7003(b).

**SECTION 26. REPEALS.** The following acts and parts of acts are repealed:

1. [Uniform Anatomical Gift Act];
2. (3) 

**SECTION 27. EFFECTIVE DATE.**

This [act] takes effect ____.

Sec. 19a-279k. Transitional provision. Sections 19a-279a to 19a-279l, inclusive, shall apply to a document of gift, revocation or refusal to make an anatomical gift signed by the donor or a person authorized to make or object to making an
anatomical gift before, on or after July 1, 1988.

Sec. 19a-270. (Formerly Sec. 19-139). Bodies for anatomical purposes. The first selectman of any town, the mayor of any city, the administrative head of any state correctional institution or the superintendent or person in charge of any almshouse, asylum, hospital, morgue or other public institution which is supported, in whole or in part, at public expense, having in his or her possession or control the dead body of any person which, if not claimed as provided in this section, would have to be buried at public expense, or at the expense of any such institution, shall, immediately upon the death of such person, notify such person's relatives thereof, if known, and, if such relatives are not known, shall notify the person or persons bringing or committing such person to such institution. Such official shall, within twenty-four hours from the time such body came into his or her possession or control, give notice thereof to the Department of Public Health and shall deliver such body to The University of Connecticut, the Yale University School of Medicine or the University of Bridgeport College of Chiropractic or its successor institution, as said department may direct and in accordance with an agreement to be made among said universities in such manner as is directed by said department and at the expense of the university receiving the body, if The University of Connecticut, Yale University, or the University of Bridgeport College of Chiropractic or its successor institution, at any time within one year, has given notice to any of such officials that such bodies would be needed for the purposes specified in section 19a-270b; provided any such body shall not have been claimed by a relative, either by blood or marriage, or a legal representative of such deceased person prior to delivery to
any of said universities. The university receiving such body shall not embalm such body for a period of at least forty-eight hours after death, and any relative, either by blood or marriage, or a legal representative of such deceased person may claim such body during said period. If any such body is not disposed of in either manner specified in this section, it may be cremated or buried. When any person has in his or her possession or control the dead body of any person which would have to be buried at public expense or at the expense of any such institution, he or she shall, within forty-eight hours after such body has come into his or her possession or control, file, with the registrar of the town within which such death occurred, a certificate of death as provided in section 7-62b, unless such certificate has been filed by a funeral director. Before any such body is removed to any of said universities, the official or person contemplating such removal shall secure a removal, transit and burial permit which shall be delivered with the body to the official in charge of such university, who shall make return of such removal, transit and burial permit in the manner provided in section 7-72.

Sec. 19a-279l. Regulations. The Commissioner of Public Health shall adopt regulations, in accordance with the provisions of chapter 54, for purposes of sections 19a-279a to 19a-279k, inclusive.

Sec. 19a-281. (Formerly Sec. 19-139m). Removal of corneal or pituitary tissue during autopsy. Authorization. (a) Where an autopsy, authorized pursuant to section 19a-406, is to be performed at the Office of the Chief Medical Examiner and the official responsible for conducting the autopsy has reason to believe, (1) that the pituitary or corneal tissue would be beneficial to the health of a living person and (2) that such tissue could be removed without any resulting disfigurement to the
body or interference with the subsequent course of the investigation or autopsy, such official shall, if no objection by the decedent's next of kin is known at the time of autopsy and the decedent was not a known member of a religious group with a public position in opposition to tissue removal, remove such deceased person's corneal or pituitary tissue and deposit it in the appropriate bank or storage facility.

(b) Any medical examiner or other authorized official, who acts in good faith and in accordance with the provisions of subsection (a) of this section with respect to the corneal or pituitary tissue of a decedent, shall not be liable for damages in any civil action or subject to prosecution in any criminal proceeding for his act.

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<th>Sec. 19a-282. (Formerly Sec. 19-140). When the delivery of bodies is prohibited. No notice shall be given, and no body delivered, under the provisions of section 19a-270, in the case of a person dying of Asiatic cholera, yellow fever, scarlet fever, typhus fever, smallpox, diphtheria, membranous croup or measles; nor shall the body of any person known to any such officer to have relatives, either by blood or marriage, be delivered without their consent; nor shall the body of any person detained on civil process or for trial for any criminal offense, or of any traveler or stranger other than a tramp or vagrant, or of a person who is known to have expressed a desire that his body should be buried, be so delivered. The body of any person so delivered, if subsequently claimed by any relative or friend for burial, shall be given up to him for that purpose.</th>
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| Sec. 19a-285. (Formerly Sec. 19-142a). Consent by minor to medical, dental, health or hospital services for child. (a) Any minor who has been married or who has borne a child may give effective consent to medical, dental, health and |
hospital services for his or her child.

(b) Any such minor who has given effective consent as provided in subsection (a) of this section shall be legally liable for any fees, costs or expenses incurred as a result of the rendering of any such service.

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<th>Sec. 19a-285a. <strong>Donation of blood by minors.</strong> Any person who is seventeen years of age or older shall have the legal capacity, without written authorization of his or her parent or guardian, to donate blood or any component thereof and to consent to the withdrawal of blood from his or her body, in conjunction with any voluntary blood donation program.</th>
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| Sec. 19a-286. (Formerly Sec. 19-143). **Autopsy consent. Autopsy arrangements, rights and responsibilities. Informed autopsy consent form.** (a) Whenever any person dies and no postmortem examination or autopsy has been ordered pursuant to subsection (b) of section 19a-406, no physician shall conduct or assist in conducting any postmortem examination or autopsy upon the body of such deceased person without first obtaining the consent of whichever one of the following persons, eighteen years of age or older, assumes custody of the body for the purposes of burial: Father, mother, husband, wife, child, guardian, next of kin, friend, a person designated by the deceased person in accordance with section 45a-318 or any person charged by law with the responsibility for burial. If two or more persons assume custody of the body, consent of one of them shall be deemed sufficient. Prior to January 1, 2002, any such consent may be in writing or may be given by telegram, and any telegram purporting to have been sent by a person authorized to give such consent shall be conclusively presumed to have been sent by such person, or may be given by telephone, provided a record of any such
consent by telephone shall be kept by such physician for not less than three years. On and after January 1, 2002, such consent shall be made pursuant to subsection (c) of this section, provided such consent may be communicated in person, by telephone, electronically, by mail or by courier. If the physician who is to conduct or assist in conducting any postmortem examination or autopsy, after due inquiry and diligence, is unable to find any person authorized to give consent as provided for in this subsection, such postmortem examination or autopsy may be made by such physician without such consent but only after a reasonable time, which shall not be less than twelve hours nor more than forty-eight hours, has elapsed. Any person violating any provision of this subsection or subsection (b) of this section shall be fined not more than five hundred dollars.

(b) Any person authorized to consent to an autopsy under subsection (a) of this section may make arrangements for an autopsy to be performed at any institution that routinely performs autopsies by any physician who is qualified to perform autopsies at such institution. The person requesting the autopsy shall be responsible for arranging for the autopsy and any necessary associated services and for the payment of any costs incurred. Information concerning the rights and responsibilities under this subsection shall be contained in the institution's patient bill of rights and shall be included in all written material that describes the institution's autopsy policy. A copy of the institution's patient bill of rights containing such information shall be given to the person who assumes custody of the body of the deceased person prior to the signing of an autopsy consent form by the person who assumes such custody. The institution shall provide such information in writing in a language understood by the
person who assumes custody of the body of the deceased person.

(c) Not later than January 1, 2002, the Commissioner of Public Health, in consultation with the Chief Medical Examiner, shall develop minimum requirements for an informed autopsy consent form that: (1) Includes clear information naming the institution and department that will perform the autopsy; (2) provides the family member or other person who assumes custody of the body of the deceased person as provided in subsection (a) of this section with an opportunity to place any restrictions or limitations on the autopsy or to express any concerns that such family member or other person may have; and (3) provides for documented and witnessed consent. Such minimum requirements shall include procedures for the oral communication of the information required by subdivisions (1) to (3), inclusive, of this subsection, including communication by telephone, as provided in subsection (a) of this section, and shall include procedures for the written or telephonic acknowledgment of receipt of an institution's patient bill of rights containing its autopsy policy. Such minimum requirements shall not be deemed to be regulations, as defined in section 4-166.

Sec. 19a-287. (Formerly Sec. 19-144). Penalty. Any selectman, or mayor, the Chief Medical Examiner or deputy medical examiner or an assistant medical examiner, or the administrative head of any state correctional institution, or the superintendent or person in charge of any almshouse, asylum, hospital, morgue or other public institution which is supported, in whole or in part, at public expense, who delivers a corpse, for the purposes of medical and surgical study, to any person in violation of any provision of this
chapter, or any person who violates any provision of this chapter for which no other penalty is prescribed, or any person knowing that the deceased had relatives, either by blood or marriage, who desired to give the body a decent burial, or to whom the deceased had expressed a desire that his body should be buried, who wilfully neglects or refuses to give information thereof to the persons in charge of such body, having reasonable opportunity for so doing and having knowledge of the fact that such body may be delivered for medical or surgical purposes, shall be fined not more than five hundred dollars.

Sec. 19a-288. (Formerly Sec. 19-145). Delivering or receiving corpse for speculation; penalty. Any person who delivers or receives a corpse for the purpose of speculation or pecuniary profit shall be fined not more than one thousand dollars and imprisoned not more than one year.