### Legislative History of [State] Anatomical Gift Act:
- New York has the 1987 version of the UAGA, found under Article 43 of the Public Health laws (NY CLS Pub Health § 4300). Applicable laws are also found under Articles 43A and 43B.
- Notable amendments were added to some sections in 1994 (A 11883) and 1997 (A. 11887)

<table>
<thead>
<tr>
<th>UAGA (2009)</th>
<th>New York Statute</th>
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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>
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<td><strong>SECTION 2. DEFINITIONS.</strong> In this [act]:</td>
<td>§ 4300. Definitions</td>
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<td>(1) “Adult” means an individual who is at least [18] years of age.</td>
<td>1. &quot;Bank or storage facility&quot; means a hospital, laboratory or other facility licensed or approved under the laws of any state for storage of human bodies or parts thereof, for use in medical education, research, therapy, or transplantation to individuals.</td>
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<td>(2) “Agent” means an individual:</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>
<td>2. &quot;Decedent&quot; means a deceased individual of any age and includes a stillborn infant or fetus.</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>
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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>
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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>
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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>
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<td>(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.</td>
<td>3. &quot;Donor&quot; means an individual who makes a gift of all or part of his body.</td>
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<td>(7) “Donor” means an individual whose body or part is the subject of an anatomical gift.</td>
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<td>(8) “Donor registry” means a database that contains records of anatomical gifts and amendments to or revocations of anatomical gifts.</td>
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<td>(9) “Driver’s license” means a license or permit issued by the [state department of motor vehicles] to</td>
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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 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.

8. "State" includes any state, district, commonwealth, territory, insular possession, and any other area subject to the legislative authority of the United States of America.

SECTION 3. APPLICABILITY. This [act] applies to an anatomical gift or amendment to, revocation of, or refusal to make an anatomical gift, whenever made.

§ 4309. Application

The provisions of this article shall not be deemed to supersede or affect the provisions of the public health law relating to the functions, powers and duties of coroners, coroner's physicians or medical examiners.
**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.

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<tr>
<th>§ 4302. Persons who may become donees and purposes for which anatomical gifts may be made</th>
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<td>The following persons may become donees of gifts or bodies or parts thereof for the purposes stated:</td>
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<td>1. any hospital, surgeon, or physician, for medical or dental education, research, advancement of medical or dental science, therapy, or transplantation; or</td>
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<td>2. any accredited medical or dental school, college or university for education, research, advancement of medical or dental science, or therapy; or</td>
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<tr>
<td>3. any bank or storage facility, for medical or dental education, research, advancement of medical or dental science, therapy or transplantation; or</td>
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<td>4. any specific donee, for therapy or transplantation needed by him.</td>
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<td>5. an organ procurement organization meeting the requirements of article forty-three-B of this chapter.</td>
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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 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.

§ 4303. Manner of executing anatomical gifts

1. A gift of all or part of the body under this article may be made by will. The gift becomes effective upon the death of the testator without waiting for probate. If the will is not probated, or if it is declared invalid for testamentary purposes, the gift, to the extent that it has been acted upon in good faith, is nevertheless valid and effective.

2. A gift of all or part of the body under this article may also be made by document other than a will. The gift becomes effective upon the death of the donor. The document, which may be a card designed to be carried on the person, must be signed by the donor [fig 1]. Delivery of the document of gift during the donor’s lifetime is not necessary to make the gift valid.

3. The gift may be made either to a specified donee or without specifying a donee. If the latter, the gift may be accepted by and utilized under the direction of the attending physician upon or following death. If the gift is made to a specified donee who is not available at the time and place of death, the attending physician upon or following death, in the absence of any expressed indication that the donor desired otherwise, may accept the gift as donee. The physician who becomes a donee under this subdivision shall not participate in the procedures for removing or transplanting a part.

4. Subject to the prohibitions in subdivision two of section four thousand three hundred six the donor may designate in his will, card or other document of gift the surgeon or physician 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 gift may employ or authorize any surgeon or physician for the purpose.

5. Any gift by a person designated in subdivision two of section four thousand three hundred one of this article shall be by a document signed by him or made by his telegraphic, recorded telephonic, or other recorded message.

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:

§ 4305. Revocation of the gift

1. If the will, card, or other document or executed copy thereof has been delivered to a specified donee, the donor may amend or revoke the gift by:
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<th>Section 7. Refusal to Make Anatomical Gift; Effect of Refusal.</th>
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<tr>
<td>An individual may refuse to make an anatomical gift of the individual’s body or part by:</td>
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<td>(a) a record signed by:</td>
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<td>(1) a record signed by:</td>
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<td>(A) the individual; or</td>
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<td>(B) subject to subsection (b), another individual acting at the direction of the individual if the individual is physically unable to sign;</td>
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<td>(2) the individual’s will, whether or not the will is admitted to probate or invalidated after the individual’s death; or</td>
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<tr>
<td>(3) any form of communication made by the individual during the individual’s terminal illness or injury addressed to at least two adults, at least one of whom is a disinterested witness.</td>
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(b) A record signed pursuant to subsection (a)(1)(B) 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 individual; and

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

(c) An individual who has made a refusal may amend or revoke the refusal:

(1) in the manner provided in subsection (a) for making a refusal;

(2) by subsequently making an anatomical gift pursuant to Section 5 that is inconsistent with the refusal; or

(3) by destroying or canceling the record evidencing the refusal, or the portion of the record used to make the refusal, with the intent to revoke the refusal.

(d) Except as otherwise provided in Section 8(h), in the absence of an express, contrary indication by the individual set forth in the refusal, an individual’s unrevoked refusal to make an anatomical gift of the individual’s body or part bars all other persons from making an anatomical 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.

(c) 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 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 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 and the classes specified in paragraphs (a) through (h) of subdivision two of this section, except upon a showing that the donor revoked the authorization.

4301. Persons who may execute an anatomical gift

1. Any individual of sound mind and eighteen years of age or more may give all or any part of his or her body for any purpose specified in section forty-three hundred two of this article, the gift to take effect upon death. In any case where the donor has properly executed an organ donor card, driver's license authorization to make an anatomical gift, pursuant to paragraph (a) of subdivision one of section five hundred four of the vehicle and traffic law, registered in the New York state organ and tissue donor registry under section forty-three hundred ten of this article, or has otherwise given written authorization for organ or tissue donation, authorization for donation shall not be rescinded by an objection by a member of any of the classes specified in paragraphs (a) through (h) of subdivision two of this section, except upon a showing that the donor revoked the authorization.

2. Any of the following persons, in the order of priority stated, may, when persons in prior classes are not reasonably available, willing, and able to act, at the time of death, and in the absence of actual notice of contrary indications by the decedent, or actual
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.

notice of opposition by a member of the same class or prior class specified in paragraph (a), (b), (c), (d), (e), (f), (g) or (h) of this subdivision, or reason to believe that an anatomical gift is contrary to the decedent's religious or moral beliefs, give all or any part of the decedent's body for any purpose specified in section forty-three hundred two of this article:

(a) the person designated as the decedent's health care agent under article twenty-nine-C of this chapter, subject to any written statement in the health care proxy form,
(b) the person designated as the decedent's agent in a written instrument under article forty-two of this chapter, subject to any written statement in the written instrument,
(c) the spouse, if not legally separated from the patient, or the domestic partner,
(d) a son or daughter eighteen years of age or older,
(e) either parent,
(f) a brother or sister eighteen years of age or older,
(g) a guardian of the person of the decedent at the time of his death,
(h) any other person authorized or under the obligation to dispose of the body.

3. For the purposes of this section, “reasonably available” means that a person to be contacted can be contacted 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.

4. For the purposes of this section, “domestic partner” means a person who, with respect to another person:
(a) is formally a party in a domestic partnership or similar relationship with the other person, entered into pursuant to the laws of the United States or any state, local or foreign jurisdiction, or registered as the domestic partner of the person with any registry maintained by the employer of either party or any state, municipality, or foreign jurisdiction; or
(b) is formally recognized as a beneficiary or covered person under the other person's employment benefits or health insurance; or
(c) is dependent or mutually interdependent on the other person for support, as evidenced by the totality of the circumstances indicating a mutual intent to be domestic partners including but not limited to: common ownership or joint leasing of real or personal property; common householding, shared income or shared expenses; children in common; signs of intent to marry or become domestic partners under paragraph (a) or (b) of this subdivision; or the length of the
personal relationship of the persons.

Each party to a domestic partnership shall be considered to be the domestic partner of the other party. “Domestic partner” shall not include a person who is related to the other person by blood in a manner that would bar marriage to the other person in New York state. “Domestic partner” shall also not include any person who is less than eighteen years of age or who is the adopted child of the other person or who is related by blood in a manner that would bar marriage in New York state to a person who is the lawful spouse of the other person.

5. The donee shall not accept the gift under the following circumstances:
   (a) the donee has actual notice of contrary indication by the decedent;
   (b) where the donor has not properly executed an organ donor card, driver's license authorization to make an anatomical gift, pursuant to paragraph (a) of subdivision one of section five hundred four of the vehicle and traffic law, registered in the New York state organ and tissue donor registry under section forty-three hundred ten of this article, or otherwise given written authorization for organ or tissue donation, or has revoked any such authorization, and the gift is opposed by a person or persons in the highest priority available of the classes specified in paragraph (a), (b), (c), (d), (e), (f), (g) or (h) of subdivision two of this section; or
   (c) the donee has reason to believe that an anatomical gift is contrary to the decedent's religious or moral beliefs.

6. A gift of all or part of a body authorizes any examination necessary to assure medical acceptability of gift for the purposes intended.

7. The rights of the donee created by the gift are paramount to the rights of others except as provided by section forty-three hundred eight of this article.

8. The person who documents the making, amending or revoking of an anatomical gift, acting reasonably and in good faith in accordance with this article, may accept an anatomical gift under this article made by a person who represents that he or she is entitled to consent to the donation.
SECTION 10. MANNER OF MAKING, AMENDING, OR REVOKING 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 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. 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

§ 4302. Persons who may become donees and purposes for which anatomical gifts may be made

The following persons may become donees of gifts or bodies or parts thereof for the purposes stated:
1. any hospital, surgeon, or physician, for medical or dental education, research, advancement of medical or dental science, therapy, or transplantation; or
2. any accredited medical or dental school, college or university for education, research, advancement of medical or dental science, or therapy; or
3. any bank or storage facility, for medical or dental education, research, advancement of medical or dental science, therapy or transplantation; or
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 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.

4. any specific donee, for therapy or transplantation needed by him.

5. an organ procurement organization meeting the requirements of article forty-three-B of this chapter.
(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.

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<th>SECTION 12. SEARCH AND NOTIFICATION.</th>
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<td>(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 other information identifying the individual as a donor or as an individual who made a refusal:</td>
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<td>(1) a law enforcement officer, firefighter, paramedic, or other emergency rescuer finding the individual; and</td>
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<td>(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.</td>
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<tr>
<td>(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.</td>
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<tr>
<td>(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.</td>
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<tr>
<th>SECTION 13. DELIVERY OF DOCUMENT OF GIFT NOT REQUIRED; RIGHT TO EXAMINE.</th>
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<td>(a) A document of gift need not be delivered during the donor’s lifetime to be effective.</td>
<td></td>
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<tr>
<td>(b) Upon or after an individual’s death, a person in possession of a document of gift or a refusal to make</td>
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</table>

§ 4304. Delivery of document of gift

If the gift is made by the donor to a specified donee, the will, card or other document or an executed copy thereof, may be delivered to him to expedite the appropriate procedures immediately after death.
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.

delivery [death. Delivery] [n1] is not necessary to validity of the gift.

The will, card or other document, or an executed copy thereof, may be deposited in any hospital, bank, storage facility or registry office that accepts it for safekeeping or for facilitation of procedures after death. On request of an interested party upon or after the donor's death, the person in possession shall produce the document for examination.

<table>
<thead>
<tr>
<th>SECTION 14. RIGHTS AND DUTIES OF PROCUREMENT ORGANIZATION AND OTHERS.</th>
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</thead>
<tbody>
<tr>
<td>(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 the geographical area in which the individual resides to ascertain whether the individual has made an anatomical gift.</td>
</tr>
<tr>
<td>(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.</td>
</tr>
<tr>
<td>(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.</td>
</tr>
<tr>
<td>(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.</td>
</tr>
<tr>
<td>(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.</td>
</tr>
<tr>
<td>(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</td>
</tr>
</tbody>
</table>
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 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.

§ 4351. Duties of hospital administrators, organ procurement organizations, eye banks and tissue banks.

1. (a) When the death of a person in a hospital has occurred or is imminent, the hospital shall contact the federally designated organ procurement organization in order to make a preliminary determination of the suitability of the person for organ donation, except where not required by paragraph (c) of this subdivision.

(b) Where contact with the federally designated organ procurement organization is not required under criteria developed regionally by the federally designated organ procurement organization subject to the approval of such criteria by the department, the hospital shall contact the appropriate eye bank or tissue bank, except where not required by paragraph (c) of this subdivision.

(c) The federally designated organ procurement organization, in consultation with the tissue procurement providers, may issue criteria under which a hospital shall not be required to make the contact under this subdivision.

(d) All hospitals shall select at least one eye bank or tissue bank for the procurement of tissue, as defined in section forty-three hundred sixty of this chapter. A hospital shall notify the federally designated organ procurement organization of its choice of tissue procurement providers. If a hospital selects more than one eye bank or tissue bank as a procurement provider, it may specify a rotation of referrals for purposes of tissue procurement.

2. Where the federally designated organ procurement organization, eye bank or tissue bank is contacted, it shall, in consultation with the hospital, after appropriate medical screening (which may include serological testing if applicable) determine suitability for organ, eye and tissue donation, as appropriate. Where a federally designated organ procurement organization is contacted, it shall contact the appropriate eye bank or tissue bank with respect to suitability for eye or tissue donation.

3. If the federally designated organ procurement organization, eye bank or tissue bank determines that organ, eye or tissue donation, respectively, is not appropriate based on established medical criteria, this shall be noted by hospital personnel on the patient's record, and no further action with respect to organ, eye or tissue donation, respectively, is necessary.

4. Where a patient is a suitable candidate for organ,
eye or tissue donation and where the patient has not properly executed an organ donor card, driver's license authorization to make an anatomical gift, pursuant to paragraph (a) of subdivision one of section five hundred four of the vehicle and traffic law, registered in the New York state organ and tissue registry under section forty-three hundred ten of this chapter, or otherwise given written authorization for organ, eye or tissue donation, the hospital or its designee shall cause a timely request to be made to any of the following persons, in order of priority stated, when persons in prior classes are not reasonably available, willing, and able to act, and in the absence of actual notice of contrary intentions by the decedent, or actual notice of opposition by a person or persons in the highest priority available of the classes specified in paragraph (a), (b), (c), (d), (e), (f) or (g) of this subdivision, or other reason to believe that an anatomic gift is contrary to the decedent's religious beliefs, to consent to the gift of all or any part of the decedent's body for any purpose specified in article forty-three of this chapter:

(a) the person designated as the decedent's health care agent under article twenty-nine-C of this chapter, subject to any written statement in the health care proxy form;
(b) the person designated as the decedent's agent in a written instrument under article forty-two of this chapter, subject to any written statement in the written instrument;
(c) the spouse, if not legally separated from the patient, or the domestic partner;
(d) a son or daughter eighteen years of age or older;
(e) either parent;
(f) a brother or sister eighteen years of age or older;
(g) a guardian of the person of the decedent at the time of his or her death.

5. For the purposes of this section, “reasonably available” means that a person to be contacted can be contacted 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.

6. For the purposes of this section, “domestic partner” means a person who, with respect to another person:
(a) is formally a party in a domestic partnership or similar relationship with the other person, entered into pursuant to the laws of the United States or any state, local or foreign jurisdiction, or registered as the domestic partner of the person with any registry maintained by the employer of either party or any
state, municipality, or foreign jurisdiction; or
(b) is formally recognized as a beneficiary or covered
person under the other person's employment benefits
or health insurance; or
(c) is dependent or mutually interdependent on the
other person for support, as evidenced by the totality
of the circumstances indicating a mutual intent to be
domestic partners including but not limited to:
common ownership or joint leasing of real or personal
property; common householding, shared income or
shared expenses; children in common; signs of intent
to marry or become domestic partners under paragraph
(a) or (b) of this subdivision; or the length of the
personal relationship of the persons.
Each party to a domestic partnership shall be
considered to be the domestic partner of the other
party. “Domestic partner” shall not include a person
who is related to the other person by blood in a
manner that would bar marriage to the other person in
New York state. “Domestic partner” shall also not
include any person who is less than eighteen years of
age or who is the adopted child of the other person or
who is related by blood in a manner that would bar
marriage in New York state to a person who is the
lawful spouse of the other person.
7. The person initiating the request shall be designated
by a hospital and shall be a representativ
of a
federally designated organ procurement organization,
eye bank, tissue bank, or a designated requestor. As
used in this section a “designated requestor” shall
mean a person who has completed a course provided
by a federally designated organ procurement
organization, eye bank or tissue bank, whichever is
applicable, on how to approach potential donor
families and request organ, eye, or tissue donation.
8. Any employee or agent of a federally designated
organ procurement organization, eye bank or tissue
bank acting pursuant to this section shall be held to the
same standard of confidentiality as that imposed on
employees of the hospital.
9. The person who documents the making, amending
or revoking of an anatomical gift, acting reasonably
and in good faith in accordance with this article, may
accept an anatomical gift under this article made by a
person who represents that he or she is entitled to
consent to the donation.
10. The provisions of subdivision three of section
forty-three hundred six of this chapter shall apply to
this section. To the extent permissible under such
subdivision, any person or organization acting
pursuant to this section, shall be legally responsible for
any negligent or intentional act or omission committed by such entity or its employees or agents.

11. A gift made pursuant to the request required by this section shall be executed pursuant to applicable provisions of article forty-three of this chapter.

12. The commissioner shall establish regulations concerning the training of persons who may be designated to perform the request, and the procedures to be employed in making it.

13. The commissioner shall establish such additional regulations as are necessary for the implementation of this section.

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.

§ 4362. Organ procurement organizations

1. No person shall own or operate an organ procurement organization that is principally located or operated in New York state unless:
   (a) the organization is currently designated by the secretary of health and human services as an organ procurement organization; and
   (b) the organ procurement organization is operated by a not-for-profit corporation having a board of directors which meets no less than four times annually or is operated by a hospital and has an advisory board which meets no less than four times annually. At least thirty percent of the members of the board of directors or advisory board shall be members of the public not otherwise directly or indirectly affiliated with a transplant center or organ procurement organization, and not more than fifty percent shall be surgeons or physicians. Such board of directors or advisory board shall include representatives of more than one transplant center. The board of directors of an organ procurement organization operated by a not-for-profit corporation or the advisory board of an organ procurement organization operated by a hospital shall be responsible for developing and adopting the written by-laws and policies that govern the operation of the organ procurement organization. All such by-laws and policies for an organ procurement organization operated by a hospital shall be subject to approval by the board of directors of the hospital. Written policies shall include, but not be limited to: (i) policies and procedures to educate the public and health care professionals about organ donations; (ii) medical standards for donor screening and testing; (iii) policies and procedures for the distribution of organs; (iv) procedures to ensure fiscal accountability of the organ procurement organization; and (v) policies concerning any arrangements or agreements that the organ procurement organization may enter with tissue banks.
1. No hospital or other facility and no physician shall permit any person to, and no person shall, procure organs for transplantation unless such person has been designated in accordance with this article or has been asked by a designated organ procurement organization to procure a specified organ.

2. The commissioner, in consultation with the transplant council, may promulgate regulations to establish standards for organ procurement organizations regarding organ sharing among organ procurement organizations in this state. Such standards shall include policies for sera sharing or other measures to meet the needs of patients who are highly sensitized and for whom it is difficult to identify a suitable kidney due to conditions such as a blood transfusion, immunization, prior pregnancy or a previous failed kidney transplant.

### Section 16. Sale or Purchase of Parts Prohibited.

(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.

### 4307. Prohibition of Sales and Purchases of Human Organs

1. It shall be unlawful for any person to knowingly acquire, receive, or otherwise transfer for valuable consideration any human organ for use in human transplantation. The term human organ means the human kidney, liver, heart, lung, bone marrow, and any other human organ or tissue as may be designated by the commissioner but shall exclude blood. The term “valuable consideration” does not include the reasonable payments associated with the removal, transportation, implantation, processing, preservation, quality control, and storage of a human organ or the expenses of travel, housing, and lost wages incurred by the donor of a human organ in connection with the donation of the organ. Any person who violates this section shall be guilty of a class E felony.

2. For the purposes of this section, the donation of a kidney or other organ from a live donor for transplantation into an individual conditioned upon the donation and transplantation of a similar organ into an individual specified by the donor shall not, in and of itself, be considered to be “valuable consideration” provided that such donation and transplant are performed in accordance with other applicable laws, rules and regulations, including any specific rules and regulations the commissioner may adopt, with the advice and consent of the transplant council, with respect to such conditional donations. No individual may make a donation conditioned upon the race, color, creed, national origin or religious affiliation of the
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

recipient, and no hospital, organ procurement organization, tissue bank, physician or other professional may participate in the performance of any procedure or otherwise facilitate the donation and/or transfer of organs and/or tissue conditioned on such factors.

§ 4308. Prohibition on charging a fee to a donor's estate
Notwithstanding any other provision of law, no physician, hospital or other health care provider may charge the donor's estate, family or insurer for any cost incurred in testing or removing a human organ or tissue from a donor and such charge shall be void and unenforceable.
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).

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**§ 4310. New York state donate life registry for organ and tissue donations**

1. The department shall establish an organ and tissue donor registry, which shall be called and be referred to as the “donate life registry”, which shall contain a listing of all donors who have declared their consent to make an anatomical gift.

2. Such registration of consent to make an anatomical gift can be made through (a) indication made on the application or renewal form of a license, (b) indication made on a non-driver identification card application or renewal form, (c) enrolling in the registry website maintained by the department, (d) indication made on a voter registration form pursuant to subdivision five of section 5-210 of the election law, or (e) through any other method identified by the commissioner. The registration shall take effect upon the department sending written notice of the registration to the person enrolling in the registry.

3. (a) Information contained in the registry shall be accessible to (i) federally regulated organ procurement agencies, (ii) eye and tissue banks licensed by the department pursuant to article forty-three-B of this chapter, (iii) any other entity formally approved by the commissioner.

(b) The information contained in the registry shall not be released to any person except as expressly authorized by this section solely for the purpose of identifying potential organ and tissue donors at or near the time of death.

4. If the department had an established registry prior to the effective date of this section, it shall be deemed to meet the requirements of this section.

5. The registry shall provide persons enrolled the opportunity to specify which organs and tissues they want to donate and if the donation can be used for transplantation, research, or both.

6. A person registered in the organ and tissue registry before the effective date of this subdivision shall be deemed to have expressed intent to donate, until and unless he or she files an amendment to his or her registration or a new registration expressing consent to donate.

7. The commissioner shall contact each person registered before the effective date of this subdivision in the organ and tissue registry in writing to inform him or her that at the time he or she registered, the registry was that of intent and that the registry is now
one of consent, to explain in clear and understandable terms the difference between intent and consent, and to provide opportunity for the person to change his or her registration to provide consent by amending his or her current registration or executing a new registration.
8. The commissioner is authorized to promulgate rules and regulations necessary to implement the provisions of this section.

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.

SECTION 22. COOPERATION BETWEEN
**[CORONER] [MEDICAL EXAMINER] AND PROCUREMENT ORGANIZATION.**

(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.

(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 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 DECEIDENT 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 supersede 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 ____.