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FOR DISCUSSION ONLY

**AMENDMENTS TO**

**UNIFORM ANATOMICAL GIFT ACT**

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NATIONAL CONFERENCE OF COMMISSIONERS

ON UNIFORM STATE LAWS

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February 14, 2005  
*With Changes Shown in Strike and Score*

*WITHOUT PREFATORY NOTE AND COMMENTS*

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1 **UNIFORM ANATOMICAL GIFT ACT (1987)**

2 SECTION 1. SHORT TITLE. This [act] may be cited as the “Uniform Anatomical Gift  
3 Act.”

4 **SECTION 2. DEFINITIONS.** As used in this [act]:

5 (1) “Agent” means an individual authorized by any power of attorney to make, or  
6 refuse to make, an anatomical gift on behalf of the principal.

7 (2) “Anatomical gift” means a donation of all or part of a human body to take  
8 effect upon or after death.

9 (3) “Decedent” means the deceased individual whose body or part is donated for  
10 transplantation, therapy, or research purposes. The term includes a stillborn infant or fetus.

11 (4) “Document of gift” means a card, a statement attached to or imprinted on a  
12 motor vehicle operator’s or chauffeur’s license or on a state-issued identification card, a will, or  
13 other writing record or donor registry when used to make an anatomical gift.

14 (5) “Donee” means the person to whom an anatomical gift has been made.

15 (6) “Donor” means the person who makes an anatomical gift of all of part of a  
16 the individual’s body pursuant to Section 3 or 7 of this [act].

17 (7) “Donor registry” means a registry maintained by a state or a procurement  
18 organization which provides for the making, amending, or revoking of anatomical gifts.

19 (8) [Alternative 1: “Enucleator” means an individual who is [licensed] or  
20 [certified] to remove or process eyes or parts of eyes.]

21 [Alternative 2: “Enucleator” means an individual who is qualified and trained to  
22 remove or process eyes or parts of eyes by an organization that is [accredited][licensed or

1 regulated under federal or state law].

2 (9) “Eye bank” means a licensed person engaged in the recovery, screening,  
3 testing, processing, storage, or distribution of human eyes or parts of human eyes.

4 (910) “Hospital” means a facility licensed, accredited, or approved as a hospital  
5 under the law of any state or a facility operated as a hospital by the United States government, a  
6 state, or a subdivision of a state.

7 (11) “Organ owner” means an individual who makes or refuses to make an  
8 anatomical gift of all or a part of that individual’s body.

9 (12) [Alternative 1: “Organ procurement organization” means a person designated  
10 by the secretary of health and human services pursuant to the laws of the United States to  
11 procure, distribute, or store human bodies or parts, other than human eyes or tissue.

12 [Alternative 2: “Organ procurement organization” means a licensed person  
13 engaged in the recovery, screening, testing, processing, storage, or distribution of human bodies  
14 or parts, other than eyes or tissue.

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

17 (814) “Person” means an individual, corporation, business trust, estate, trust,  
18 partnership, joint venture, association, government, governmental subdivision or agency, or any  
19 other legal or commercial entity.

20 (915) [Alternative 1]“Physician” or “surgeon” means an individual licensed or  
21 otherwise authorized to practice medicine and surgery [or osteopathy and surgery] under the laws  
22 of any state.

1 [(15) Alternative 2] “Physician” or “surgeon” means an individual licensed or  
2 otherwise authorized to practice medicine and surgery [or osteopathy and surgery] under the laws  
3 of any state.

4 [(15) Alternative 3] “Physician” means an individual authorized to practice  
5 medicine [or osteopathy] under the laws of any state.

6 ~~(16)~~ “Procurement organization” means a person licensed, accredited, or  
7 approved under the laws of any state for procurement, distribution, or storage of human bodies or  
8 parts includes an eye bank, organ procurement organization, and tissue bank.

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

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

14 (19) “Sign” or “signed” means (A) to execute or adopt a tangible symbol with the  
15 present intent to authenticate a record or (B) to attach or logically associate an electronic symbol,  
16 sound, or process to or with a record with the present intent to authenticate the record.

17 ~~(20)~~ “State” means a state, territory, or possession of the United States, the  
18 District of Columbia, or the Commonwealth of Puerto Rico.

19 ~~(21)~~ [Alternative 1: “Technician” means an individual who is ~~licensed~~  
20 ~~certified~~] by the [State Board of Medical Examiners] to remove or process a part.

21 [Alternative 2: “Technician” means an individual who is qualified and trained to  
22 remove or process a body part by an organization that is [accredited] [licensed or regulated under

1 federal or state law].

2 \_\_\_\_\_ (22) “Tissue bank” means a licensed person engaged in the recovery, screening,  
3 testing, processing, storage, or distribution of human tissue.

4 **SECTION 2 3. ~~MAKING, AMENDING, REVOKING, AND REFUSING TO~~**  
5 **~~MAKE ANATOMICAL GIFTS BY INDIVIDUAL.~~**

6 ~~(a) An individual who is at least [18] years of age may (i) make an anatomical gift~~  
7 ~~for any of the purposes stated in Section 6(a), (ii) limit an anatomical gift to one or more of those~~  
8 ~~purposes, or (iii) refuse to make an anatomical gift. An anatomical gift of all or a part of an~~  
9 ~~individual’s body for transplantation, therapy, or research may be made by:~~

10 \_\_\_\_\_ (1) that individual, if that individual is at least [18] years of age;

11 \_\_\_\_\_ (2) an agent of that individual, if the gift is consistent with the authority  
12 granted to the agent;

13 \_\_\_\_\_ (3) the parent of that individual, if that individual is under the age of [18]  
14 years; or

15 \_\_\_\_\_ (4) the guardian of the person of that individual.

16 (b) An anatomical gift may be made only by a document of gift signed by the  
17 donor. If the donor cannot sign, the document of gift must be signed on the donor’s behalf by  
18 another individual and by two witnesses, all both of whom have signed at the direction and in the  
19 presence of that individual ~~and of each other~~ and state that it has been so signed.

20 (c) If a document of gift is attached to or imprinted on ~~a donor’s~~ an organ owner’s  
21 motor vehicle operator’s or chauffeur’s license, or state-issued identification card, ~~the document~~  
22 ~~of gift must comply with subsection (b)~~ the license or card must be signed by the organ owner.

1 Revocation, suspension, expiration, or cancellation of the license or card does not invalidate the  
2 anatomical gift.

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

7 (e) An anatomical gift by an organ owner's will takes effect upon death ~~of the~~  
8 ~~testator~~, whether or not the will is probated. If, ~~after death~~, the will is denied probate or declared  
9 invalid ~~for testamentary purposes~~, the validity of the anatomical gift is unaffected.

10 **SECTION 4. AMENDING OR REVOKING ANATOMICAL GIFTS**

11 ~~(f)~~ (a) ~~A~~ Subject to subsections (c) and (d), a donor under Section 3 of this [act]  
12 may amend or revoke an anatomical gift, not made by will, only by:

13 (1) a signed statement record;

14 (2) a later-dated document of gift that revokes a previous gift or a part of a  
15 gift either expressly or by inconsistency;

16 ~~(23)~~ an oral statement made in the presence of two individuals; or

17 ~~(34)~~ any form of communication during a terminal illness or injury  
18 addressed to ~~a physician or surgeon;~~ at least two individuals; ~~or~~

19 ~~(45) the delivery of a signed statement to a specific donee to whom a~~  
20 ~~document of gift had been delivered.~~

21 (b) Subject to subsection (d), The donor of an organ owner who makes an  
22 anatomical gift ~~made~~ by will may amend or revoke the gift in the manner provided for

1 amendment or revocation of wills, or as provided in subsection (a).

2 (c) If a document of gift has been delivered to a donee, any revocation or  
3 amendment of the document of gift is ineffective with respect to that donee unless the donee has  
4 actual knowledge of the revocation or amendment.

5 (d) If the document of gift is a donor registry, any amendment or revocation of  
6 that gift is ineffective with respect to any person not having actual knowledge of the amendment  
7 or revocation unless made on the same donor registry.

8 ~~\_\_\_\_\_ (h) An anatomical gift that is not revoked by the donor before the death is~~  
9 ~~irrevocable and does not require the consent or concurrence of any person after the donor's death.~~

10 **SECTION 5. REFUSAL TO MAKE AN ANATOMICAL GIFT BY ORGAN**

11 **OWNER**

12 (f) An ~~individual~~ organ owner may refuse to make an anatomical gift of the organ  
13 owner's body or part by (i) a writing signed in the same manner as a document of gift, (ii) a  
14 statement attached to or imprinted on a ~~donor's~~ motor vehicle operator's or chauffeur's license,  
15 or state-issued identification card, or (iii) any other writing record used to ~~identify the individual~~  
16 ~~as refusing~~ express the refusal to make an anatomical gift. During a an organ owner's terminal  
17 illness or injury, the refusal may be an oral statement or other form of communication.

18 **SECTION 6. FINALITY**

19 (a) An organ owner's anatomical gift, amendment or revocation of an anatomical  
20 gift, or refusal to make an anatomical gift that has not been revoked by the organ owner shall  
21 preclude all other persons from making, amending, or revoking an anatomical gift at a later time.

22 (b) An anatomical gift or an amendment or revocation of an anatomical gift by a

1 person, other than the individual described in subsection (a)(1) of Section 3 of this [act], shall  
2 preclude all other persons except the individual described in subsection (a)(1) of Section 3 of this  
3 [act] from making , amending, revoking, or refusing to make an anatomical gift at a later time.

4 (jc) In the absence of contrary indications by the donor,

5 (1) an anatomical gift of a part is neither a refusal to give other parts nor a  
6 limitation on the making of an anatomical gift under Section ~~3~~ 7 or on a removal or release of  
7 other parts under Section ~~4~~ 8 of this [act],

8 (2) a revocation or amendment of an anatomical gift is not a refusal to  
9 make another anatomical gift at a later time. ~~If the donor intends a revocation to be a refusal to~~  
10 ~~make an anatomical gift, the donor shall make the refusal pursuant to subsection (f).~~

11 **SECTION ~~3~~ 7. MAKING, REVOKING, AND OBJECTING TO ANATOMICAL**  
12 **GIFTS; BY OTHERS.**

13 (a) Any member of the following classes of persons, in the order of priority listed,  
14 may make an anatomical gift of all or a part of the decedent's body for ~~an authorized purpose,~~  
15 ~~unless the decedent, at the time of death, has made an unrevoked refusal to make that anatomical~~  
16 ~~gift~~ transplantation, therapy, or research:

17 (1) the individual who was acting as the agent of the decedent at the time  
18 of death;

19 (~~2~~) the spouse of the decedent;

20 (~~3~~) ~~an adult son or daughter~~ an adult child of the decedent;

21 (~~4~~) either parent of the decedent;

22 (~~5~~) an adult ~~brother or sister~~ sibling of the decedent;

1                   ~~(56)~~ a grandparent of the decedent; ~~and~~

2                   ~~(67)~~ a guardian of the person of the decedent at the time of death;

3                   ~~(8)~~ a close friend of the decedent; and

4                   ~~(9)~~ any other person having the authority to dispose of the decedent's body.

5                   For purposes of this subsection, "close friend" means an adult who exhibited  
6 special care and concern for the decedent and who is willing and reasonably available to make an  
7 anatomical gift on behalf of the decedent.

8                   (b) An anatomical gift under subsection (a) must be made by (i) a document of  
9 gift signed by the donor or (ii) the donor's telegraphic, recorded telephonic or other recorded  
10 message, or other form of oral communication that is contemporaneously reduced to a record and  
11 signed by the donee.

12                   ~~(bc)~~ An anatomical gift may not be made by a person listed in subsection (a) if:

13                   ~~(1)~~ precluded by Section 6 of this [act], or

14                   ~~(+2)~~ a person in a prior class is reasonably available at the time of the  
15 decedent's death to make an anatomical gift, or the donee actually knows of an objection to  
16 making an anatomical gift by a majority of the members of the person's class or by any member  
17 of a prior class.

18                   ~~(2)~~ ~~the person proposing to make an anatomical gift knows of a refusal or~~  
19 ~~contrary indications by the decedent; or~~

20                   ~~(3)~~ ~~the person proposing to make an anatomical gift knows of an objection~~  
21 ~~to making an anatomical gift by a member of the person's class or a prior class.~~

22                   ~~(c)~~ ~~An anatomical gift by a person authorized under subsection (a) must be made~~

1 by (i) a document of gift signed by the person or (ii) the person's telegraphic, recorded  
2 telephonic, or other recorded message, or other form of communication from the person that is  
3 contemporaneously reduced to writing and signed by the recipient.

4 (d) An anatomical gift by a person authorized under subsection (a) may be  
5 revoked by any member of a prior class or a majority of the members of the same ~~or a prior~~ class  
6 if, before procedures have begun ~~for the removal of a part from the body of the decedent, either~~  
7 to surgically remove a part from the decedent's body or to surgically prepare the recipient, the  
8 donee or the physician, surgeon, technician, or enucleator removing the part or preparing the  
9 recipient actually knows of the revocation. For purposes of this subsection, "recipient" means the  
10 individual to whom a decedent's part has been or is intended to be transplanted.

11 (e) A failure to make an anatomical gift under subsection (a) is not an objection to  
12 the making of an anatomical gift.

13 **SECTION 4 8. AUTHORIZATION BY [CORONER] [MEDICAL EXAMINER]**  
14 **OR [LOCAL PUBLIC HEALTH OFFICIAL].**

15 (a) The [coroner] [medical examiner] ~~may~~ shall release and permit the removal of  
16 a part from a body within that official's custody for transplantation or therapy if:

17 (1) the official has received a request for the part from a donee; ~~hospital,~~  
18 ~~physician, or surgeon, or procurement organization;~~

19 (2) the official ~~has made a reasonable effort, taking into account the useful~~  
20 ~~life of the part, to locate and examine the decedent's medical records and inform persons listed in~~  
21 ~~Section 3(a) of their option to make, or object to making, an anatomical gift; knows that an~~  
22 anatomical gift of the body or part was made pursuant to Section 3 or 7 of this [act];

1                   ~~(3) the official does not know of a refusal or contrary indication by the~~  
2 ~~decedent or objection by a person having priority to act as listed in Section 3(a);~~

3                   (4~~3~~) the removal will be by a physician, surgeon, or technician; but in the  
4 case of eyes, by one of them or by an enucleator;

5                   (5~~4~~) the removal will not interfere with any autopsy or investigation;

6                   (6~~5~~) the removal will be in accordance with accepted medical ~~standards~~  
7 criteria; and

8                   (7~~6~~) cosmetic restoration will be done, if appropriate.

9                   (b) If the body is not within the custody of the [coroner] [medical examiner], the  
10 [local public health officer] may release and permit the removal of any part from a body in the  
11 [local public health officer's] custody for transplantation or therapy if the requirements of  
12 subsection (a) are met.

13                  (c) An official releasing and permitting the removal of a part shall maintain a  
14 permanent record of the name of the decedent, the person making the request, the date and  
15 purpose of the request, the part requested, and the person to whom it was released.

16                  (d) A [coroner][medical examiner] or [local health official] shall release, upon  
17 request of a [procurement organization], the name, contact information, and available medical  
18 social history relating to the death of a decedent under its jurisdiction or custody provided that  
19 the information will not interfere with an [examination or investigation][autopsy].

20                   **SECTION 5 9. ROUTINE INQUIRY AND REQUIRED REQUEST; SEARCH**  
21 **AND NOTIFICATION.**

22                  (a) On or before admission to a hospital, or as soon as possible thereafter, a person

1 designated by the hospital shall ask each patient who is at least [18] years of age: “Are you an  
2 organ or tissue donor?” or a question of like effect. If the patient’s answer is affirmative the  
3 person shall request a copy of the document of gift. If ~~they~~ the patient’s answer is negative or  
4 there is no answer and the attending physician consents, the person designated shall discuss with  
5 the patient the option to make or refuse to make an anatomical gift, If the patient has previously  
6 refused to make an anatomical gift the person shall request a copy of the record evidencing the  
7 refusal. The answer to the question, an available copy of any document of gift or refusal to make  
8 an anatomical gift or a notation of its location, and any other relevant information, ~~must~~ shall be  
9 placed in the patient’s medical record.

10 (b) ~~If, at or near the time of death of a patient, there is no medical record that the~~  
11 ~~patient has made or refused to make an anatomical gift, the hospital [administrator] or a~~  
12 ~~representative designated by the [administrator] shall discuss the option to make or refuse to~~  
13 ~~make an anatomical gift and request the making of an anatomical gift pursuant to Section 3(a).~~  
14 ~~The request must be made with reasonable discretion and sensitivity to the circumstances of the~~  
15 ~~family. A request is not required if the gift is not suitable, based upon accepted medical~~  
16 ~~standards, for a purpose specified in Section 6. An entry must be made in the medical record of~~  
17 ~~the patient, stating the name and affiliation of the individual making the request, and of the name,~~  
18 ~~response, and relationship to the patient of the person to whom the request was made. The~~  
19 ~~[Commissioner of Health] shall [establish guidelines] [adopt regulations] to implement this~~  
20 ~~subsection.~~

21 (b) A hospital shall notify any designated procurement organization of the death  
22 or imminent death of a patient in order to permit the designated procurement organization to

1 assess the suitability of an anatomical gift [for transplantation or therapy] based upon accepted  
2 medical criteria.

3 (c) If the designated procurement organization determines that the patient is not a  
4 suitable candidate for any anatomical gift [for transplantation or therapy] or that the patient has  
5 refused to make an anatomical gift of all of the patient's parts, then it has no further  
6 responsibilities under this [act].

7 (d) If the designated procurement organization determines that the patient is a  
8 suitable candidate for an anatomical gift [for transplantation or therapy] and:

9 (1) an anatomical gift of all of the patient's parts had been made under  
10 Section 3 of this [act], it has no further responsibilities under this section; or

11 (2) an anatomical gift [for transplantation or therapy] of all of the patient's  
12 parts has neither been made nor precluded under any provision of this [act], it or a designated  
13 requestor shall request an anatomical gift from the patient. If the patient has died or for medical  
14 reasons it would be inappropriate to make a request of the patient, the request shall be made to  
15 the persons listed in Section 7 of this [act] having a priority to make an anatomical gift. The  
16 request shall be made with reasonable discretion and sensitivity taking into account the  
17 circumstances of the patient and the family.

18 For purposes of this subsection, "designated requestor" means an individual who  
19 is certified by an [organ] procurement organization as an individual to request an anatomical gift.

20 (e) In making a request for an anatomical gift, the following information shall be  
21 disclosed:

22 (1) A general description of the benefits derived from the donation;

1 (2) A specific identification of the parts to be donated;  
2 (3) Information regarding the costs, if any, to be incurred by the donor or  
3 the decedent's estate;  
4 (4) Information regarding the impact of donation on the appearance of the  
5 body and upon burial arrangement; and  
6 (5) Information regarding all options relating to the disposal of the body.  
7 (f) The hospital shall place in the patient's medical records:  
8 (1) a notation that notification has been made to the designated  
9 procurement organization of the patient's death or imminent death;  
10 (2) a statement whether the designated procurement organization  
11 determined the patient's suitability for an anatomical gift [for transplantation or therapy]; and  
12 (3) If the patient is a suitable candidate for an anatomical gift [for  
13 transplantation or therapy] :  
14 (A) a statement whether an anatomical gift had been made of the  
15 patient's body or parts under Section 3 or 7 of this [act]; or  
16 (B) a statement whether a request was made to the persons listed in  
17 Section 7 of this [act] having priority to make an anatomical gift, including the name and  
18 affiliation of the individual making the request, the name and relationship to the patient of the  
19 person to whom the request was made, and the results of that request.  
20 (g) The [Commissioner of Health] shall establish [guidelines][adopt regulations]  
21 to implement subsections (c), (d), (e) and (f) of this section.  
22 (eh) The following persons shall make a reasonable search for a document of gift

1 or other information identifying ~~the bearer as a donor or as an individual who has refused to~~  
2 ~~make an anatomical gift~~ an individual for whom an anatomical gift has been made or has refused  
3 to be made:

4 (1) a law enforcement officer, fireman, paramedic, or other emergency  
5 rescuer finding an individual who the searcher believes is dead or near death; and

6 (2) a hospital, upon the admission of an individual at or near the time of  
7 death, if there is not immediately available any other source of that information.

8 (di) If a document of gift or evidence of refusal to make an anatomical gift is  
9 located by the search required by subsection (c)(1) (gh), and the individual or ~~body~~ decedent to  
10 whom it is related is taken to a hospital, the hospital must be notified of the contents and the  
11 document or other evidence must be sent to the hospital.

12 ~~(e) If, at or near the time of death of a patient, a hospital knows that an anatomical~~  
13 ~~gift has been made pursuant to Section 3(a) or a release and removal of a part has been permitted~~  
14 ~~pursuant to Section 4, or that a patient, the hospital shall notify the donee if one is named and~~  
15 ~~known to the hospital; if not, it shall notify an appropriate procurement organization. The~~  
16 ~~hospital shall cooperate in the implementation of the anatomical gift or release and removal of a~~  
17 ~~part.~~

18 (fj) A person who fails to discharge the duties imposed by this section is not  
19 subject to criminal or civil liability but is subject to appropriate administrative sanctions.

20 (k) For purposes of this section:

21 (A) “designated procurement organization” means the organ, eye or tissue  
22 procurement organizations designated for the hospital in which the patient or decedent is located,

1 or, if none, then the organ, [eye, or tissue] procurement organization for the geographical area in  
2 which the hospital is located.

3 (B) "Patient" includes an individual identified as in transit to the hospital.

4 **SECTION 6 10. PERSONS WHO MAY BECOME DONEES; ~~PURPOSES FOR~~**  
5 **~~WHICH ANATOMICAL GIFTS MAY BE MADE.~~**

6 ~~————— (a) The following persons may become donees of anatomical gifts for the~~  
7 ~~purposes stated:~~

8 ~~————— (1) a hospital, physician, surgeon, or procurement organization, for~~  
9 ~~transplantation, therapy, medical or dental education, research, or advancement of medical or~~  
10 ~~dental science;~~

11 ~~————— (2) an accredited medical or dental school, college, or university for~~  
12 ~~education, research, advancement of medical or dental science, or~~

13 ~~————— (3) a designated individual for transplantation or therapy needed by that~~  
14 ~~individual.~~

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

18 ~~————— (c) If the donee knows of the decedent's refusal or contrary indications to make an~~  
19 ~~anatomical gift or that an anatomical gift by a member of a class having priority to act is opposed~~  
20 ~~by a member of the same class or a prior class under Section 3(a), the donee may not accept the~~  
21 ~~anatomical gift.~~

22 (a) The following persons may be designated as donees of anatomical gifts:

1 (1) an individual designated by the donor if the anatomical gift is for  
2 transplantation or therapy needed by that individual.

3 (2) a procurement organization selected by the donor.

4 (3) an accredited medical or dental school, college, or university for  
5 education, research, or the advancement of medical or dental science.

6 (b) If an anatomical gift is made of the entire body in a document of gift that does  
7 not designate a donee, the following persons become donees of the anatomical gift:

8 (1) the appropriate procurement organization for those parts that can be  
9 used for transplantation or therapy, and

10 (2) an accredited medical or dental school, college, or university for  
11 education, research, or the advancement of medical or dental science selected by the appropriate  
12 [organ] procurement organization for the portion of the body not used for transplantation or  
13 therapy.

14 (c) If an anatomical gift is made of one or more parts in a document of gift that  
15 does not designate a donee, the donee is the appropriate procurement organization for the part.

16 (d) [Alternative 1: If a document of gift specifies only a general intent to make an  
17 anatomical gift, then decedent's body and its parts shall be used for transplantation, therapy, and  
18 research purposes. For this purpose, the following persons become donees:

19 (1) for all medically suitable parts that can be used for transplantation and  
20 therapy, the appropriate procurement organization.

21 (2) for that portion of the body not used for transplantation or therapy, an  
22 accredited medical or dental school, college, or university selected by the appropriate [organ]

1 procurement organization to be used for education, research, or the advancement of medical or  
2 dental science.

3 (d) [Alternative 2: If a document of gift specifies only a general intent to make an  
4 anatomical gift, then decedent's parts shall be used for transplantation or therapy purposes. For  
5 this purpose the donee is the appropriate procurement organization for all medically suitable  
6 parts that can be used for transplantation and therapy.

7 (e) If the document of gift expressly provides that an anatomical gift of the entire  
8 body or a part is for purposes, other than transplantation or therapy, but does not designate a  
9 donee, the donee is an accredited medical or dental school, college, or university for education,  
10 research, or the advancement of medical or dental science selected by the appropriate [organ]  
11 procurement organization.

12 (f) Custody of the decedent's body not used for transplantation, therapy, or  
13 research shall vest in the person under obligation to dispose of the body.

14 (g) If the donee is not available to accept an anatomical gift or rejects the  
15 anatomical gift, the anatomical gift may be accepted by any hospital.

16 (h) If the donee actually knows of the refusal to make an anatomical gift or a  
17 revocation of an anatomical gift or that an anatomical gift by a person under Section 7 of this  
18 [act] is opposed by a majority of the members of that person's class or by any member of a prior  
19 class under Section 7(a), the donee shall not accept the anatomical gift. For purposes of this  
20 subsection a donee has actual knowledge of a refusal to make an anatomical gift or the revocation  
21 of an anatomical gift that is on a donor registry.

22 (i) Except as provided in subsection (f), nothing in this [act] controls the

1 distribution of a human body or its parts once they have been distributed to the donee.

2 \_\_\_\_\_ (j) For purposes of this section, “appropriate procurement organization” means the  
3 procurement organization for the part to be used for transplantation or therapy or for the  
4 geographical area in which the decedent died.

5 **SECTION 7 11. DELIVERY OF DOCUMENT OF GIFT.**

6 (a) Delivery of a document of gift during the ~~donor’s~~ lifetime of the individual  
7 whose body or part is the subject of the anatomical gift is not required for the validity of an  
8 anatomical gift.

9 (b) If an anatomical gift is made to a designated donee, the document of gift, or a  
10 copy, may be delivered to the donee to expedite the appropriate procedures after death.

11 (c) The document of gift, or a copy, may be deposited ~~in~~ with any hospital or;  
12 procurement organization; or entered upon a donor registry office that accepts it for safekeeping  
13 or for facilitation of procedures after death.

14 (d) Upon or after a decedent’s death, ~~On request of an interested person, upon or~~  
15 ~~after the donor’s death, the~~ any person in possession of a document of gift or a record evidencing  
16 a refusal to make an anatomical gift with respect to the decedent shall allow ~~the interested person~~  
17 any person who is authorized to make or object to the making of an anatomical gift under this  
18 [act] to examine or copy the document of gift.

19 **SECTION 8 12. RIGHTS AND DUTIES AT DEATH.**

20 (a) Rights of a donee ~~created by~~ of an anatomical gift are superior to rights of  
21 others. ~~except with respect to autopsies under Section 11(b).~~ A donee may accept or reject an  
22 anatomical gift. If a donee accepts an anatomical gift of an entire body, the donee, subject to the

1 terms of the gift or of this [act], may allow embalming and use of the body in funeral services. If  
2 the gift is of a part of a body, the donee, upon the death of the ~~donor~~ decedent and before  
3 embalming, shall cause the part to be removed without unnecessary mutilation. ~~After removal of~~  
4 ~~the part, custody of the remainder of the body vests in the person under obligation to dispose of~~  
5 ~~the body.~~

6 (b) ~~The time of death must be determined by a physician or surgeon who attends~~  
7 ~~the donor at death or, if none, the physician or surgeon who certifies the death. Neither the~~  
8 ~~physician or surgeon who attends the ~~donor~~ decedent at death nor the physician or surgeon who~~  
9 ~~determines the time of the decedent's death may participate in the procedures for removing or~~  
10 ~~transplanting a part unless the document of gift designates a that particular physician or surgeon~~  
11 ~~pursuant to Section 23(d).~~

12 (c) If there has been an anatomical gift, a technician may remove any donated  
13 parts and an enucleator may remove any donated eyes or parts of eyes, after determination of  
14 death. ~~by a physician or surgeon.~~

15 **SECTION 913. COORDINATION OF PROCUREMENT AND USE.** Each hospital  
16 in this Sstate, after consultation with other hospitals and procurement organizations, shall  
17 establish agreements or affiliations for coordination of procurement and use of human bodies and  
18 parts.

19 **SECTION ~~10~~14. SALE OR PURCHASE OF PARTS PROHIBITED.**

20 (a) A person may not knowingly, for valuable consideration, purchase or sell a  
21 part for transplantation or therapy, if removal of the part from a decedent is intended to occur  
22 after the death of the decedent.

1 (b) Valuable consideration does not include reasonable payment for the removal,  
2 processing, disposal, preservation, quality control, storage, transportation, or implantation of a  
3 part.

4 (c) A person who violates this section is guilty of a [felony] and upon conviction  
5 is subject to a fine not exceeding [\$50,000] or imprisonment not exceeding [five] years, or both.

6 **SECTION 15. EXAMINATION, AUTOPSY, LIABILITY**

7 (a) An anatomical gift authorizes any reasonable examination necessary to assure  
8 medical ~~acceptability~~ suitability of the gift for the purposes intended, including examination of  
9 all medical records of the individual whose body or part has been donated.

10 (b) The provisions of the [act] are subject to the laws of this ~~S~~state governing  
11 autopsies.

12 (c) ~~Any A hospital, physician, surgeon, [coroner], [medical examiner], [local~~  
13 ~~public health officer], enucleator, technician, or other person who acts in accordance with this~~  
14 ~~[act] or with the applicable anatomical gift law of another state [or a foreign country] or attempts~~  
15 ~~in good faith to do so is not liable for that act in a civil action or criminal proceeding or subject to~~  
16 ~~discipline for unprofessional conduct.~~

17 (d) ~~An Neither the individual who makes an anatomical gift pursuant to Section 2~~  
18 ~~or 3 and the individual's donor nor the decedent's estate are not is liable for any injury or damage~~  
19 ~~that may result from the making or the use of ~~the~~ an anatomical gift.~~

20 **SECTION 16. CHOICE OF LAW.**

21 (a) A document of gift is valid if executed in accordance with the provisions of  
22 this [act] or in accordance with the laws of the place where it was executed or in accordance with

1 the laws of the place that the donor was domiciled, has a place of residence, or is a national at the  
2 time the document of gift was executed.

3 (b) A person may assume that a document of gift is valid unless that person has  
4 actual knowledge that it was not validly executed or was revoked.

5 **SECTION 127. TRANSITIONAL PROVISIONS.** This [act] applies to a document of  
6 gift, revocation, or refusal to make an anatomical gift ~~signed by the donor or a person authorized~~  
7 ~~to make or object to making an anatomical gift~~ made before, on, or after the effective date of this  
8 [act].

9 **SECTION 138. UNIFORMITY OF APPLICATION AND CONSTRUCTION.** This  
10 [act] shall be applied and construed to effectuate its general purpose to make uniform the law  
11 with respect to the subject of this [act] among states enacting it.

12 **SECTION 149. SEVERABILITY.** If any provision of this [act] or its application  
13 thereof to any person or circumstance is held invalid, the invalidity does not affect other  
14 provisions or applications of this [act] which can be given effect without the invalid provision or  
15 application, and to this end the provisions of this [act] are severable.

16 ~~**SECTION 15. SHORT TITLE.** This [act] may be cited as the “Uniform Anatomical~~  
17 ~~Gift Act (1987).”~~

18 **SECTION 1620. REPEALS.** The following acts and parts of acts are repealed:

19 (1)

20 (2)

21 (3)

22 **SECTION 1721. EFFECTIVE DATE.** This [act] takes effect \_\_\_\_\_.