

**Recommendation 10: That legislative strategies be adopted that will encourage medical examiners and coroners not to withhold life-saving organs and tissues from qualified organ procurement organizations.**

Studies indicate that coroners and medical examiners across the United States are not uniform in their approach to making organs available to organ procurement organizations, and that many unnecessarily withhold from retrieval organs that could be used for transplantation. Indeed, it is estimated that if all states followed the example of Texas, which has enacted a law containing a provision similar to the one below, then 700-1,000 additional organs would be made additionally available each year.

The Secretary is specifically encouraged to use his good standing with the National Governor's Association, the National Association of State Legislatures, the Uniform Commissioners of State Laws, and/or with individual states to seek the following change:

To amend the Uniform Anatomical Gift Act (UAGA) to add a new subsection at the end of section 4, as follows:

(d) If the medical examiner is considering withholding one or more organs or tissues of a potential donor for any reason, the medical examiner shall be present during the removal of the organs or tissue. In such case, the medical examiner may request a biopsy of those organs or tissue, or deny their removal. If the medical examiner denies removal of any organ or tissue, the medical examiner shall explain in writing the reasons for the denial and shall provide the explanation to the qualified organ procurement organization.

In the alternative, the Secretary is asked to encourage individual states to adopt state laws to the same or similar effect.

**RECOMMENDATION 20: That updated provisions of the Uniform Anatomical Gift Act with respect to donor rights be fully implemented in all states where the UAGA has been adopted, and that those or substantially similar provisions be enacted in all other states.**

In 1968, the National Conference on Commissioners for Uniform State Laws promulgated the Uniform Anatomical Gift Act (UAGA) that authorized persons 18 years of age or older to make a gift of any part of their bodies, such gift to take effect upon death. The Act further provided that, this gift could not be rescinded by another party without the donor's consent. Over the next decade, this provision was adopted by the legislatures of all 50 states

In 1987, the National Conference on Commissioners for Uniform State Laws promulgated amendments to the Uniform Anatomical Gift Act, which had as their expressed purpose the encouragement of organ donations. The specific language employed in the law is: "An anatomical gift that is not revoked by the donor before death is irrevocable and does not require the consent or concurrence of any person after the donor's death." This amendment to the UAGA was endorsed by the American Bar Association and has so far been enacted in the following jurisdictions:

- Alaska
- Arizona
- Arkansas
- California
- Colorado
- Connecticut

- Delaware
- Florida

---

- Georgia

- 
- Hawaii
  - Idaho
  - Illinois
  - Indiana
  - Iowa
  - Kansas
  - Louisiana
  - Minnesota
  - Missouri
  - Montana
  - Nevada
  - New Hampshire
  - New Mexico
  - North Dakota
  - Oregon
  - Pennsylvania
  - Rhode Island
  - South Dakota
  - Tennessee
  - Utah
  - U.S. Virgin Islands
  - Vermont
  - Virginia
  - Washington
  - West Virginia
  - Wisconsin

Additionally, the following states have retained the 1968 language, but adopted separate provisions that convey the intent of the 1987 language to honor the donor's designation:

- Kentucky
- New Jersey
- North Carolina
- Ohio
- South Carolina

Accordingly, it should be noted that 39 of the 50 states effectively have donor designation provisions.

Remaining jurisdictions – ones that only have the 1968 language -- are:

- Alabama
- District of Columbia
- Guam
- Maine
- Maryland
- Massachusetts
- Michigan
- Mississippi
- Nebraska
- New York
- Oklahoma
- Texas
- Wyoming

Many legal scholars would contend that the original 1968 UAGA made clear that a donor's anatomical gift does not require the consent of anyone else. The amended 1987 UAGA removed any doubt about that interpretation. Thus, according to the Act, as amended, an anatomical gift is irrevocable at death.

Despite the law, however, a telephone poll of OPOs indicated that a majority would refuse an anatomical gift if the donor's family objects, although it is not clear why. This practice could be based on a concern about potentially adverse publicity and the effect that might have on the overall rate of donation. Alternatively, this practice might be based on a natural tendency to exhibit greater respect for the wishes of living persons present than for those of the decedent. OPOs may also feel free to refuse an anatomical gift because the law imposes no penalty for failing to comply with the donor's wishes. Another possible reason could be an unfounded fear of legal liability if the OPO acts on the donor's designation against the wishes of the family.

**ACOT specifically recommends that every OPO and hospital in a state that has enacted the UAGA, as amended, should be educated in the implications and enforcement of the UAGA. ACOT further recommends that OPOs and hospitals in states that have not adopted the amendments to the UAGA, or substantially similar provisions, should work with their state legislatures to enact laws that enforce the donor designation model.**

---

Attached to this Recommendation is Appendix 6 -- Donor Designation: State Law and OPO Practice, which details, state by state, the current law and OPO policy position in every state (and three other U. S. jurisdictions) where such information could be ascertained. The OPO policy position reflected in Appendix 6 is based only on a telephone poll, and thus might not reflect recent changes in practice. ACOT is aware of and encouraged that the National Conference on Commissioners for Uniform State Laws will this summer be considering yet another revision to the UAGA, so as to bring those provisions up to date with the many changes in practice since 1987, including the 1998 Medicare Conditions of Participation, which effectively superceded the 1987 language defining the obligations of hospitals to ask families about donation.

**Thus, ACOT recommends that a comprehensive review and updating of the laws governing anatomical gifts take place in each state and that all states be encouraged to adopt laws intended to uphold the intent of donors.** The very most recent state reforms in Virginia and Florida provide good models for other states. The Virginia code, for example, declares: "An anatomical gift...regardless of the document making such gift or donation, that is not revoked by the donor before death is irrevocable and does not require the consent or concurrence of any person after the donor's death."

Finally, as the Virginia code provision implicitly recognizes, individuals have a right to authorize or to decline donation. A donor may revoke an authorization, or decide to donate, at any time before death. Any revised law should also address how a donation can be revoked. A recently enacted Florida provision, for example, allows a person to change or revoke plans to donate organs by telling at least two people, one of whom must not be a relative. It should be clear, therefore, that the primary purpose of Recommendations 19 and 20 is to honor and support the intent of the donor, whatever that intent may be.

## APPENDIX 6

### RECOMMENDATIONS OF THE SECRETARY'S ADVISORY COMMITTEE ON ORGAN TRANSPLANTATION (ACOT)

#### Donor Designation: State Law and OPO Practice

**TABLE A: Summary – Legal Policy and Practice**

(Note: OPO retrieval information obtained by telephone survey)

Jurisdiction	OPO would retrieve without family consent	Jurisdiction	OPO would retrieve without family consent
Alabama*		Montana	Yes
Alaska	Yes	Nebraska*	No
Arizona		Nevada	Yes
Arkansas	No	New Hampshire	
California	No	New Jersey*†	Yes
Colorado	Yes	New Mexico	
Connecticut		New York*	No
Delaware	No	North Carolina*†	Yes
District of Columbia*	Yes	North Dakota	
Florida	No	Ohio*†	
Georgia		Oklahoma*	Yes
Guam*		Oregon	
Hawaii	No	Pennsylvania	Yes
Idaho	Yes	Rhode Island	
Illinois		South Carolina*†	
Indiana	No	South Dakota	Yes
Iowa	Yes	Tennessee	Yes
Kansas		Texas*	
Kentucky*†	Yes	U.S. Virgin Islands	
Louisiana	No	Utah	Yes
Maine*		Vermont	
Maryland*	No	Virginia	Yes
Massachusetts*		Washington	Yes
Michigan*		West Virginia	Yes
Minnesota	Yes	Wisconsin	No
Mississippi*		Wyoming*	
Missouri			

(\* indicates absence of 1987 UAGA Amendment)

(† indicates intent similar to 1987 Amendment)

**TABLE B: Jurisdictions with Apparent Conflict between Legal Policy and Practice**

<b>1987 UAGA Amendment jurisdictions that will not retrieve against family wishes</b>	<b>1968 UAGA jurisdictions that will retrieve against family wishes</b>
Arkansas California Delaware Florida Hawaii Indiana Louisiana Wisconsin	District of Columbia Oklahoma

**TABLE C: Details of State Laws on Adoption of the 1987 Amendments:**

Table C includes:

- (i) jurisdictions that have adopted the 1987 Amendment;
- (ii) jurisdictions that have not adopted the 1987 amendments; and
- (iii) jurisdictions that have adopted provisions similar to the 1987 Amendments

<b>Jurisdiction</b>	<b>Anatomical Gifting</b>	<b>OPO would retrieve w/o family consent</b>
<b>The following jurisdictions have adopted the 1987 Amendment:</b>		
<b>Alaska</b>	Sec. 13.50.010 Persons who may execute an anatomical gift (d) If the donee has actual notice of contrary indications by the decedent or that a gift by a member of a class is opposed by a member of the same or a prior class, the donee may not accept the gift. However, an anatomical gift that is not revoked by the donor before death is irrevocable and does not require the consent or concurrence of any person after the donor's death.	Yes

<b>Arizona</b>	<p>§ 36-842. Anatomical gifts; execution; amendment; revocation; refusal</p> <p>H. An anatomical gift that is not revoked by the donor before death is irrevocable and does not require the consent or concurrence of any person after the donor's death.</p>	
<b>Arkansas</b>	<p>20-17-602 Making, amending, revoking, and refusing to make anatomical gifts by individual.</p> <p>(h) An anatomical gift that is not revoked by the donor before death is irrevocable and does not require the consent or concurrence of any person after the donor's death. However, if a person listed in § 20-17-603(a) knows of a contrary indication by the donor that the gift be revoked and makes such indication known to a representative of the organ procurement agency created, organized, and existing under the laws of the State of Arkansas, then the gift will only be effective upon the consent of a person listed in § 20-17-603(a).</p>	No
<b>California</b>	<p>§ 7150.5. Making, amending, revoking and refusing to make anatomical gifts by individual</p> <p>(h) An anatomical gift that is not revoked by the donor before death is irrevocable and does not require the consent or concurrence of any person after the donor's death.</p>	No
<b>Colorado</b>	<p>§ 12-34-103. Persons who may execute an anatomical gift</p> <p>(6) Unless held for purposes specified in section 30-10-606, C.R.S., an anatomical gift that is not revoked by the donor before death is irrevocable and does not require consent or concurrence of any person after the donor's death.</p>	Yes
<b>Connecticut</b>	<p>§ 19a-279b. Making, amending, revoking and refusing to make an anatomical gift by an individual</p> <p>(h) An anatomical gift that is not revoked by the donor before death is irrevocable and shall not require the consent or concurrence of any person after the death of the donor.</p>	

<b>Delaware</b>	<p>§ 2711 Persons who may execute an anatomical gift.</p> <p>(g) A donor's gift of all or any part of the individual's body, as indicated pursuant to this chapter, including, but not limited to, a designation on a driver's license or identification card, donor card, advance health care directive, will or other document of gift, may not be revoked by the next-of- kin or other persons identified in subsection (c) of this section, nor shall the consent of any such person at the time of the donor's death or immediately thereafter be necessary to render the gift valid and effective.</p>	No
<b>Florida</b>	<p>765.512. Persons who may make an anatomical gift</p> <p>(1) Any person who may make a will may give all or part of his or her body for any purpose specified in s. 765.510, the gift to take effect upon death. An anatomical gift made by an adult donor and not revoked by the donor as provided in s. 765.516 is irrevocable and does not require the consent or concurrence of any person after the donor's death.</p>	No
<b>Georgia</b>	<p>§ 44-5-145. Gifts may be made by will or other instrument; donees specified or unspecified; designation of physician; signature on document or recording</p> <p>(b) A gift of all or part of the body under subsection (a) of Code Section 44-5-143 may also be made by a document of gift other than a will, and for purposes of this subsection "document of gift" means a document other than a will. Unless the gift is deemed medically unsuitable, the gift becomes effective and irrevocable upon the death of the donor and does not require the consent or concurrence of any other person after the donor's death. The document of gift, which may be a card designed to be carried on the person, must be signed by the donor. If the donor cannot sign, the document of gift may be signed for him at his direction and in his presence and in the presence of two witnesses who must sign the document in his presence. Delivery of the document of gift during the donor's lifetime is not necessary to make the gift valid.</p>	
<b>Hawaii</b>	<p>§ 327-2 Making, amending, revoking, and refusing to make anatomical gifts by individual.</p> <p>(h) An anatomical gift that is not revoked by the donor before death is irrevocable and does not require the consent or concurrence of any person after the donor's death.</p>	No
<b>Idaho</b>	<p>39-3403 Making, amending, revoking, and refusing to make anatomical gifts by individual.</p> <p>(8) An anatomical gift that is not revoked by the donor before death is irrevocable and does not require the consent or concurrence of any person after the donor's death.</p>	Yes



<b>Illinois</b>	<p>§ 3. Persons who may execute an anatomical gift.</p> <p>(a) Any individual of sound mind who has attained the age of 18 may give all or any part of his or her body for any purpose specified in Section 4. Such a gift may be executed in any of the ways set out in Section 5, and shall take effect upon the individual's death without the need to obtain the consent of any survivor. An anatomical gift made by an agent of an individual, as authorized by the individual under the Powers of Attorney for Health Care Law, as now or hereafter amended, is deemed to be a gift by that individual and takes effect without the need to obtain the consent of any other person.</p>	
<b>Indiana</b>	<p>29-2-16-4 Methods of making or refusing to make gift</p> <p>(k) A gift under this chapter or IC 9-24-17 that is not revoked before the donor dies is irrevocable.</p>	No
<b>Iowa</b>	<p>142C.3. Donation of anatomical gifts--persons who may execute--manner of executing</p> <p>8. A document of gift that is not revoked by the donor prior to the donor's death does not require the consent or concurrence of any other person after the donor's death and is sufficient legal authority, following the donor's death, for the removal of any part donated under the document of gift, without the consent or concurrence of any other person. A person, including but not limited to a family member, a guardian, an attorney in fact named under a durable power of attorney for health care, or an executor of the donor's estate, is not authorized to and shall not revoke or in any way supersede a document of gift that is not revoked by the donor prior to the donor's death.</p>	Yes
<b>Kansas</b>	<p>65-3214. Amendment or revocation of the gift.</p> <p>(a) 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:</p> <ol style="list-style-type: none"> <li>(1) the execution and delivery to the donee of a signed statement;</li> <li>(2) an oral statement made in the presence of two persons and communicated to the donee;</li> <li>(3) a statement during a terminal illness or injury addressed to an attending physician and communicated to the donee; or</li> <li>(4) a signed card or document found on such person or in such person's effects.</li> </ol> <p>(b) Any document of gift which has not been delivered to the donee may be revoked by the donor in the manner set out in subsection (a) or by destruction, cancellation, or mutilation of the document and all executed copies thereof.</p> <p>(c) Any gift made by a will may also be amended or revoked in the manner provided for amendment or revocation of wills or as provided in subsection (a).</p> <p>(d) An anatomical gift that is not revoked by the donor before death is irrevocable and does not require the consent or concurrence of any person after the donor's death.</p>	

<b>Louisiana</b>	<p>§ 2356. Revocation of the gift</p> <p>D. An anatomical gift may not be amended or revoked by any person other than the donor, except that when the gift is of the entire body, the body shall be returned after removal of all the useable organs to the surviving spouse or the next of kin upon the request of either.</p>	No
<b>Minnesota</b>	<p>525.9211. Making, amending, revoking, and refusing to make anatomical gifts by individual</p> <p>(h) An anatomical gift that is not revoked by the donor before death is irrevocable and does not require the consent or concurrence of any person after the donor's death. An anatomical gift designation made by a will, a designation on a driver's license or Minnesota identification card made under section 171.07, subdivision 5, or a health care directive under chapter 145C, and not revoked, establishes the intent of the person making the designation and may not be overridden by any other person. For a donor's revocation of an anatomical gift made by a document of gift to be valid, the donor must use one of the methods of revocation in paragraph (f).</p>	Yes
<b>Missouri</b>	<p>194.220. Persons who may execute an anatomical gift</p> <p>1. Any individual of sound mind who is at least eighteen years of age may give all or any part of his or her body for any purpose specified in section 194.230, the gift to take effect upon death. Any individual who is a minor and at least sixteen years of age may effectuate a gift for any purpose specified in section 194.230, provided parental or guardian consent is deemed given. Parental or guardian consent shall be noted on the minor's donor card, application for the donor's instruction permit or driver's license, or other document of gift. An express gift that is not revoked by the donor before death is irrevocable, and the donee shall be authorized to accept the gift without obtaining the consent of any other person. The provisions of this subsection, relating to allowing a minor who is at least sixteen years of age to effectuate a gift for any purpose specified in section 194.230, through the driver's license or instruction permit application process, shall be effective July 1, 2003.</p>	
<b>Montana</b>	<p>72-17-201. Making, amending, revoking, and refusing to make anatomical gifts by an individual</p> <p>(8) An anatomical gift that is not revoked by the donor before death is irrevocable and does not require the consent or concurrence of any person after the donor's death.</p>	Yes
<b>Nevada</b>	<p>451.555. Making, amending, revoking and refusing to make gifts: By person</p> <p>11. An anatomical gift that is not revoked by the donor before death is irrevocable and does not require the consent or concurrence of any person after the donor's death. The intent of a donor to make an anatomical gift, as evidenced by a document of gift, may not be revoked by any member of the classes of persons set forth in subsection 1 of NRS 451.557.</p>	Yes

<b>New Hampshire</b>	<p>291-A: 3 Making, Amending, Revoking, and Refusing to Make Anatomical Gifts by Individual.</p> <p>VIII. An anatomical gift that is not revoked by the donor before death is irrevocable and does not require the consent or concurrence of any person after the donor's death.</p>	
<b>New Mexico</b>	<p>24-6A-2 Making, amending, revoking and refusing to make anatomical gifts; by individual.</p> <p>G. An anatomical gift that is not revoked by the donor before death is irrevocable and does not require the consent or concurrence of any person after the donor's death.</p>	
<b>North Dakota</b>	<p>23-06.2-02 Making, amending, revoking, and refusing to make anatomical gifts by individual.</p> <p>6. An anatomical gift that is not revoked by the donor is irrevocable and does not require the consent or concurrence of any other person after the death of the donor but is subject to subsection 2 of section 23-06.2-11.</p>	
<b>Oregon</b>	<p>97.952. Personal authority to make anatomical gift; procedure; delegation.</p> <p>(7) An anatomical gift that is not revoked by the donor before death is irrevocable and:</p> <p>(a) Does not require the consent or concurrence of any person after the death of the donor.</p> <p>(b) Shall not be subject to cancellation or substantial revision by persons described in ORS 97.954 (1).</p>	
<b>Pennsylvania</b>	<p>§ 8617. Requests for anatomical gifts</p> <p>(c) Donor card.--Notwithstanding any provision of law to the contrary, the intent of a decedent to participate in an organ donor program as evidenced by the possession of a validly executed donor card, donor driver's license, living will, durable power of attorney or other document of gift shall not be revoked by any member of any of the classes specified in section 8611(b).</p>	Yes
<b>Rhode Island</b>	<p>23-18.6-2 Making, amending, revoking, and refusing to make anatomical gifts by individual.</p> <p>(h) An anatomical gift that is not revoked by the donor before death is irrevocable and does not require the consent or concurrence of any person after the donor's death.</p>	
<b>South Dakota</b>	<p>34-26-33.2 Anatomical gift irrevocable by any person other than donor -- On donor's death no person's consent required.</p> <p>An anatomical gift of any part of the body under § 34-26-21 made pursuant to §§ 34-26-22 to 34-26-23.1, inclusive, is irrevocable by any person other than the donor as provided in § 34-26-33.1. An anatomical gift does not require the consent or concurrence of any person after the donor's death.</p>	Yes
<b>Tennessee</b>	<p>§ 68-30-114. Creation of anatomical gift; amendment; revocation</p> <p>(h) An anatomical gift that is not revoked by the donor before death is irrevocable and does not require the consent or concurrence of any person after the donor's death.</p>	Yes

<b>Utah</b>	26-28-3 Anatomical gifts --Eligibility to make --Procedures. (9) A document of gift that is not revoked by the donor before death is irrevocable and does not require the consent or concurrence of any person after the donor's death.	Yes
<b>U.S. Virgin Islands</b>	§ 403 Making, amending, revoking, and refusing to make anatomical gifts by individual (h) An anatomical gift that is not revoked by the donor before death is irrevocable and does not require the consent or concurrence of any person after the donor's death.	
<b>Vermont</b>	§ 5239 Making, amending, revoking and refusing to make anatomical gifts by an individual  (g) An anatomical gift that is not revoked by the donor before death is irrevocable and does not require the consent or concurrence of any person after the donor's death.	
<b>Virginia</b>	§ 32.1-290. Persons who may execute anatomical gift or make organ donations; when gift may be executed; examination of body authorized; rights of donee paramount E. An anatomical gift or organ, tissue or eye donation, regardless of the document making such gift or donation, that is not revoked by the donor before death is irrevocable and does not require the consent or concurrence of any person after the donor's death for the eye enucleation, recovery of the brain or other organ or harvesting of skin or bones of the donor.	Yes
<b>Washington</b>	68.50.540. Anatomical gifts--Authorized--Procedures--Changes--Refusal (8) An anatomical gift that is not revoked by the donor before death is irrevocable and does not require the consent or concurrence of a person after the donor's death.	Yes
<b>West Virginia</b>	§ 16-19-2. Making, amending, revoking, and refusing to make anatomical gifts by individual (h) An anatomical gift that is not revoked by the donor before death is irrevocable and does not require the consent or concurrence of any person after the donor's death. An anatomical gift may not be revoked by the donor's next- of-kin or other persons identified in subsection (a), section three of this article, nor shall the consent of any of these persons, at the time of the donor's death or immediately thereafter, be necessary to render the gift valid and effective.	Yes
<b>Wisconsin</b>	157.06. Uniform Anatomical Gift Act (h) An anatomical gift that is not revoked by the donor before death is irrevocable and does not require the consent or concurrence of any person after the donor's death.	No

**The following jurisdictions have not adopted the 1987 amendments:**

**Alabama**

§ 22-19-46. Amendment or revocation of gift.

- (a) 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:
- (1) The execution and delivery to the donee of a signed statement;
  - (2) An oral statement made in the presence of two persons and communicated to the donee;
  - (3) A statement during a terminal illness or injury addressed to an attending physician and communicated to the donee; or
  - (4) A signed card or document found on his person or in his effects.
- (b) Any document of gift which has not been delivered to the donee may be revoked by the donor in the manner set out in subsection (a) of this section or by destruction, cancellation or mutilation of the document and all executed copies thereof.
- (c) Any gift made by a will may also be amended or revoked in the manner provided for amendment or revocation of wills or as provided in subsection (a) of this section.

**District of  
Columbia**

§ 7-1521.06. Amendment or revocation of gift.

Yes

- (a) 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:
- (1) The execution and delivery to the donee of a signed statement;
  - (2) An oral statement made in the presence of two persons and communicated to the donee;
  - (3) A statement during a terminal illness or injury addressed to an attending physician and communicated to the donee; or
  - (4) A signed card or document found on his person or in his effects.
- (b) Any document of gift which has not been delivered to the donee may be revoked by the donor in the manner set out in subsection (a) of this section or by destruction, cancellation, or mutilation of the document and all executed copies thereof.
- (c) Any gift made by a will may also be amended or revoked in the manner provided for amendment or revocation of wills, or as provided in subsection (a) of this section.

<b>Guam</b>	<p>§ 83106. Amendment or Revocation of the Gift.</p> <p>(a) 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:</p> <p>(1) The execution and delivery to the donee of a signed statement; or</p> <p>(2) An oral statement made in the presence of two (2) persons and communicated to the donee; or</p> <p>(3) A statement during a terminal illness or injury addressed to an attending physician and communicated to the donee; or</p> <p>(4) A signed card or document found on his person or in his effects.</p> <p>(b) Any document of gift which has not been delivered to the donee may be revoked by the donor in the manner set out in Subsection (a) or by destruction, cancellation or mutilation of the document and all executed copies thereof.</p> <p>(c) Any gift made by a will may also be amended or revoked in the manner provided for amendment or revocation of wills or as provided by Subsection (a).</p>
<b>Maine</b>	<p>§ 2906. Amendment or revocation of the gift</p> <p>1. Amendment. 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:</p> <p>A. The execution and delivery to the donee of a signed statement; or</p> <p>B. An oral statement made in the presence of 2 persons and communicated to the donee; or</p> <p>C. A statement during a terminal illness or injury addressed to an attending physician and communicated to the donee; or</p> <p>D. A signed card or document found on his person or in his effects.</p> <p>2. Revocation. Any document of gift that has not been delivered to the donee may be revoked by the donor in the manner set out in subsection 1 or by destruction, cancellation or mutilation of the document and all executed copies of the document.</p> <p>3. Other methods. Any gift made by a will may also be amended or revoked in the manner provided for amendment or revocation of wills, or as provided in subsection 1.</p> <p>4. Repealed. Laws 1995, c. 32, § 2; Laws 1995, c. 625, § A-23, eff. April 8, 1996.</p>

<b>Maryland</b>	<p>§ 4-507. Revocation</p> <p>(a) Any document of gift which has been delivered to the donee may be revoked by:</p> <p>(1) The execution and delivery to the donee or his agent of a revocation in writing, signed by the donor;</p> <p>(2) An oral statement of revocation witnessed by two persons, and communicated to the donee or his agent;</p> <p>(3) A statement during a terminal illness addressed to the attending physician and communicated to the donee, or his agent; or</p> <p>(4) A card or other writing signed by the donor and carried on his person or in his effects, revoking the gift.</p> <p>(b) Any document of gift which has not been delivered to the donee may be revoked in the manner set out in subsection (a) of this section, or by destruction, cancellation, or mutilation of the document.</p> <p>(c) Any gift made by a will may be revoked in the manner set out in subsection (a) of this section, or in the manner provided for revocation or amendment of wills.</p> <p>(d) A gift made by a donor designation on the driver's license or identification card of the donor may be revoked by giving written notice to the Motor Vehicle Administration in accordance with § 12-303 of the Transportation Article.</p>	No
<b>Massachusetts</b>	<p>§ 12. Amendment or revocation of gift by donor</p> <p>(a) 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:</p> <p>(1) the execution and delivery to the donee of a signed statement, or</p> <p>(2) an oral statement made in the presence of two persons and communicated to the donee, or</p> <p>(3) a statement during a terminal illness or injury addressed to an attending physician and communicated to the donee, or</p> <p>(4) a signed card or document found on his person or in his effects.</p> <p>(b) Any document of gift which has not been delivered to the donee may be revoked by the donor in the manner set out in subsection (a) or by destruction, cancellation, or mutilation of the document and all executed copies thereof.</p> <p>(c) Any gift made by a will may be also be amended or revoked in the manner provided for amendment or revocation of wills, or as provided in subsection (a).</p>	

<b>Michigan</b>	<p>333.10107. Amendment or revocation of gift</p> <p>Sec. 10107. (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 any of the following methods:</p> <ul style="list-style-type: none"> <li>(a) The execution and delivery to the donee of a signed statement.</li> <li>(b) An oral statement made in the presence of 2 persons and communicated to the donee.</li> <li>(c) A statement during a terminal illness or injury addressed to an attending physician and communicated to the donee.</li> <li>(d) A signed card or document found on the donor's person or in the donor's effects.</li> </ul> <p>(2) Any document of gift which has not been delivered to the donee may be revoked by the donor in the manner set out in subsection (1), or by destruction, cancellation, or mutilation of the document and all executed copies thereof.</p> <p>(3) Any gift made by a will may also be amended or revoked in the manner provided for amendment or revocation of wills, or as provided in subsection (1).</p>	
<b>Mississippi</b>	<p>§ 41-39-41. Revocation of gift</p> <p>a) Any document of gift which has been delivered to the donee may be revoked by either:</p> <ul style="list-style-type: none"> <li>(1) the execution and delivery to the donee or his agent of a revocation in writing, signed by the donor, or</li> <li>(2) an oral statement of revocation witnessed by two persons, and communicated to the donee or his agent, or</li> <li>(3) a statement during a terminal illness addressed to the attending physician and communicated to the donee or his agent, or</li> <li>(4) a card or other writing signed by the donor and carried on his person or in his effects revoking the gift.</li> </ul> <p>(b) Any document of gift which has not been delivered to the donee may be revoked in the manner set out above or by destruction, cancellation or mutilation of the document.</p> <p>(c) Any gift made by a will may be revoked in the manner set out in subsection (a) above or in the manner provided for revocation or amendment of wills.</p>	
<b>Nebraska</b>	<p>§ 71-4806. Gifts; amendment; revocation.</p> <p>(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:</p> <ul style="list-style-type: none"> <li>(a) The execution and delivery to the donee of a signed statement;</li> <li>(b) An oral statement made in the presence of two persons and communicated to the donee;</li> <li>(c) A statement during a terminal illness or injury addressed to an attending physician and communicated to the donee; or</li> <li>(d) A signed card or document found on his person or in his effects.</li> </ul> <p>(2) Any document of gift which has not been delivered to the donee may be revoked by the donor in the manner set out in subsection (1) of this section or by destruction, cancellation, or mutilation of the document and all executed copies thereof.</p> <p>(3) Any gift made by a will may also be amended or revoked in the manner provided for amendment or revocation of wills, or as provided in subsection (1) of this section.</p>	No



<b>New York</b>	<p>§ 4305. Revocation of the gift</p> <p>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:</p> <p>(a) the execution and delivery to the donee of a signed statement, or</p> <p>(b) an oral statement of revocation made in the presence of two persons, communicated to the donee, or</p> <p>(c) a statement during a terminal illness or injury addressed to an attending physician and communicated to the donee, or</p> <p>(d) a signed card or document, found on his person or in his effects.</p> <p>2. Any document of gift which has not been delivered to the donee may be revoked in the manner set out in subdivision one of this section or by destruction, cancellation, or mutilation of the document and all executed copies thereof.</p> <p>3. Any gift made by a will may be revoked or amended in the manner provided for revocation or amendment of wills or as provided in subdivision one of this section.</p>	<b>No</b>
<b>Oklahoma</b>	<p>§ 2207. Revocation or amendment of gift</p> <p>(a) 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:</p> <p>(1) the execution and delivery to the donee of a signed statement,</p> <p>(2) an oral statement made in the presence of two persons and communicated to the donee,</p> <p>(3) a statement during a terminal illness or injury addressed to an attending physician and communicated to the donee, or</p> <p>(4) a signed card or document found on his person or in his effects.</p> <p>(b) Any document of gift which has not been delivered to the donee may be revoked by the donor in the manner set out in subsection (a) or by destruction, cancellation, or mutilation of the original document.</p> <p>(c) Any gift made by a will may also be amended or revoked in the manner provided for amendment or revocation of wills, or as provided in subsection (a).</p>	<b>Yes</b>
<b>Texas</b>	<p>§ 692.008. Amendment or Revocation of Gift</p> <p>(a) If the donor has delivered the will or other document, or executed copy, to a specified donee, the donor may amend or revoke the gift by:</p> <p>(1) executing and delivering to the donee a signed statement;</p> <p>(2) making an oral statement in the presence of two persons that is communicated to the donee;</p> <p>(3) making a statement to an attending physician that is communicated to the donee; or</p> <p>(4) executing a signed document that is found on the donor or found in the donor's effects.</p> <p>(b) If the donor has not delivered the document of gift to the donee, the donor may revoke the gift in a manner prescribed by Subsection (a) or by destroying, canceling, or mutilating the document and each executed copy of the document.</p> <p>(c) If the donor made the gift by will, the donor may revoke or amend the gift in a manner prescribed by Subsection (a) or in a manner prescribed for the amendment or revocation of a will.</p>	

**Wyoming****§ 35-5-106 Amendment or revocation of gift.**

(a) 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:

- (i) The execution and delivery to the donee of a signed statement; or
- (ii) An oral statement made in the presence of two (2) persons and communicated to the donee; or
- (iii) A statement during a terminal illness or injury addressed to an attending physician and communicated to the donee; or
- (iv) A signed card or document found on his person or in his effects.

(b) Any document of gift which has not been delivered to the donee may be revoked by the donor in the manner set out in subsection (a) of this section, or by destruction, cancellation, or mutilation of the document and all executed copies thereof.

(c) Any gift made by a will may also be amended or revoked in the manner provided for amendment or revocation of wills, or as provided in subsection (a) of this section.

(d) A donor who has notified the procurement agency pursuant to W.S. 35-5- 104(b) to be included in the registry, may amend or revoke the gift by notifying the procurement agency of the change.

**The following jurisdictions have adopted provisions similar to the 1987 Amendments:**

<b>Kentucky</b>	<b>311.215 AMENDMENT OR REVOCATION OF THE GIFT</b>	<b>Yes</b>
-----------------	--	------------

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:

(a) The execution and delivery to the donee of a signed statement, or

(b) An oral statement made in the presence of two (2) persons and communicated to the donee, or

(c) A statement during a terminal illness or injury addressed to an attending physician and communicated to the donee, or

(d) A signed card or document found on his person or in his effects.

(2) Any document of gift which has not been delivered to the donee may be revoked by the donor in the manner set out in subsection

(1) of this section, or by destruction, cancellation, or mutilation of the document and all executed copies thereof.

(3) Any gift made by a will may also be amended or revoked in the manner provided for amendment or revocation of wills, or as provided in subsection (1) of this section.

(4) Any gift of a transplantable organ identified by a will, card, or other document or executed copy thereof which stipulates remuneration of any type in return for the anatomical gift shall be null and void.

**311.237 REQUIREMENT TO HONOR DONOR'S WISHES  
UNLESS REVOKED**

If an individual has made an anatomical gift by signing the anatomical gift section on the back of his or her operator's license or by directing the gift as a part of a living will directive according to KRS 311.623, the individual's family members and any health care surrogate as defined in KRS 311.621 shall honor the wishes upon the death of the individual and shall not have any legal standing or authority to modify the decedent's wishes or deny the anatomical gift from being made to the donee for the purposes stated in KRS 311.185, unless the gift has been revoked.

New Jersey	<p>26:6-62. Amendment or revocation of gift by donor</p> <p>(a) 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:</p> <p>(1) The execution and delivery to the donee of a signed statement, or</p> <p>(2) An oral statement made in the presence of 2 persons and communicated to the donee, or</p> <p>(3) A statement during a terminal illness or injury addressed to an attending physician and communicated to the donee, or</p> <p>(4) A signed card or document found on his person or in his effects.</p> <p>(b) Any document of gift which has not been delivered to the donee may be revoked by the donor in the manner set out in subsection (a) or by destruction, cancellation, or mutilation of the document and all executed copies thereof.</p> <p>(c) Any gift made by a will may also be amended or revoked in the manner provided for amendment or revocation of wills or as provided in subsection (a).</p>	Yes
	<p>26:6-60. Gift by will or other document or recorded message</p> <p>(f) Notwithstanding any provision of law to the contrary, the intent of a decedent to give all or any part of his body as a gift pursuant to section 2(a) of P.L.1969, c. 161 (C.26:6-58), as evidenced by the possession of a donor card, donor designation on a driver's license, advance directive pursuant to P.L.1991, c. 201 (C.26:2H-53 et seq.), other document of gift, or by registration with a Statewide organ and tissue donor registry, shall not be revoked by any person designated in section 2(b) of P.L.1969, c. 161 (C.26:6-58), nor shall the consent of any such person at the time of the donor's death or immediately thereafter be necessary to render the gift valid and effective.</p>	

North Carolina	<p>§ 130A-408. Amendment or revocation of the gift</p> <p>(a) If the will, card or other document or executed copy has been delivered to a specified donee, the donor may amend or revoke the gift by:</p> <p>(1) The execution and delivery to the donee of a signed statement;</p> <p>(2) An oral statement made in the presence of two persons and communicated to the donee;</p> <p>(3) A statement during a terminal illness or injury addressed to an attending physician and communicated to the donee; or</p> <p>(4) A signed card or document found on the individual or in the individual's effects, and made known to the donee.</p> <p>(b) A guardian may amend or revoke the gift by the execution and delivery to the donee of a signed statement.</p> <p>(c) Any document of gift which has not been delivered to the donee may be revoked by the donor or guardian in the manner set out in subsection (a) or by destruction, cancellation or mutilation of the document and all executed copies.</p> <p>(d) Any gift made by a will may also be amended or revoked in the manner provided for amendment or revocation of wills or as provided in subsection (a).</p>	Yes
	<p>§ 130A-404. Persons who may make an anatomical gift</p> <p>(a) An individual of sound mind and 18 years of age or more may give all or any part of that individual's body for any purpose specified in G.S. 130A- 405. A gift made in accordance with G.S. 130A-406 shall be sufficient legal authority for procurement without additional authority from the donor or the donor's family or estate. The gift shall take effect upon death. A gift made by the donor in accordance with G.S. 130A-406 may not be revoked upon the donor's death, and neither the donor's family nor the donor's health care agent appointed pursuant to Article 3 of Chapter 32A of the General Statutes may refuse to honor the gift or thwart the procurement of the donation.</p>	

<b>Ohio</b>	<p><b>2108.06 MANNER OF AMENDMENT OR REVOCATION</b></p> <p>(A) If the will, card, or other document of gift or an executed copy thereof, has been delivered to a specified donee, the donor may amend or revoke the anatomical gift by any of the following means:</p> <ol style="list-style-type: none"> <li>(1) The execution and delivery to the donee of a signed statement;</li> <li>(2) An oral statement made in the presence of two persons and communicated to the donee;</li> <li>(3) A statement during a terminal illness or injury addressed to the physician attending the donor and communicated to the donee;</li> <li>(4) A signed card or document found on his person or in his effects.</li> </ol> <p>(B) The donor may revoke any document of gift which has not been delivered to the donee, in any manner specified in division (A) of this section or by destruction, cancellation, or mutilation of the document and all executed copies of it.</p> <p>(C) Any anatomical gift made by a will may also be amended or revoked in the manner provided for amendment or revocation of wills or as provided in division (A) of this section.</p> <p><b>2108.04 INSTRUMENT OF GIFT</b></p> <p>(F) A valid declaration of an anatomical gift made under division (A), (B), or (C) of this section prevails over any contrary desires of the donor's family regarding the donor's corpse, but nothing in this section shall be construed as requiring a donee to accept an anatomical gift.</p>
<b>South Carolina</b>	<p>§ 44-43-370. Amendment or revocation of gift.</p> <p>(a) 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:</p> <ol style="list-style-type: none"> <li>(1) The execution and delivery to the donee of a signed statement, or</li> <li>(2) An oral statement made in the presence of two persons and communicated to the donee, or</li> <li>(3) A statement during a terminal illness or injury addressed to an attending physician and communicated to the donee, or</li> <li>(4) A signed card or document found on his person or in his effects.</li> </ol> <p>(b) Any document of gift which has not been delivered to the donee may be revoked by the donor in the manner set out in subsection (a) or by destruction, cancellation, or mutilation of the document and all executed copies thereof.</p> <p>(c) Any gift made by a will may also be amended or revoked in the manner provided for amendment or revocation of wills, or as provided in subsection (a).</p> <p>§ 44-43-350. Manner in which gift may be made.</p>

(f) If an organ and tissue donor card, donor driver's license, living will, durable power of attorney, or other document of gift evidencing a gift of organs, tissue, or eyes, or any combination of these has been executed, the consent required pursuant to Section 44-43-330 is not required to render the gift valid and effective.