

ASSEMBLY BILL NO. 497—ASSEMBLYMEN GIBBONS, LESLIE,
GIUNCHIGLIANI, BUCKLEY, MCCLAIN, ANDERSON, BROWN,
CEGAVSKE, DE BRAGA, FREEMAN, HETTRICK, HUMKE, SMITH
AND TIFFANY

MARCH 19, 2001

JOINT SPONSORS: SENATORS RAWSON AND O'DONNELL

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to anatomical gifts. (BDR 40-1210)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to anatomical gifts; providing in skeleton form for the establishment of a registry for anatomical gifts by the department of motor vehicles and public safety; creating the anatomical gift account in the department of human resources' gift fund; creating the advisory committee on anatomical gifts; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** Chapter 451 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2 to 12, inclusive, of this act.
3 **Sec. 2.** *“Administrator” means the administrator of the health*
4 *division.*
5 **Sec. 3.** *“Committee” means the advisory committee on anatomical*
6 *gifts created pursuant to section 8 of this act.*
7 **Sec. 4.** *“Department” means the department of motor vehicles and*
8 *public safety.*
9 **Sec. 5.** *“Director” means the director of the department of motor*
10 *vehicles and public safety.*
11 **Sec. 6.** *“Health division” means the health division of the*
12 *department of human resources.*
13 **Sec. 7.** *1. The department shall facilitate the establishment and*
14 *maintenance of a registry that includes each person whose driver’s*



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- 1 license or identification card issued by the department indicates his
2 intention to make an anatomical gift.
- 3 2. The department shall cause the maintenance of the registry in a
4 manner that provides procurement organizations with access to the
5 information at any time.
- 6 3. The director, after consulting with the administrator and the
7 committee, shall adopt regulations to carry out the provisions of this
8 section, including, without limitation, regulations that establish:
- 9 (a) The information required to be included in the registry;
10 (b) The procedure for:
11 (1) Revoking an anatomical gift other than the procedure set forth
12 in NRS 451.555; and
13 (2) Revising the information in the registry;
14 (c) The method by which information in the registry will be made
15 available to procurement organizations;
16 (d) Limitations on access to and the use of the registry;
17 (e) The method by which information relating to anatomical gifts will
18 be developed and disseminated to the general public by the department
19 and the health division; and
20 (f) Such other requirements as the director determines are necessary.
- 21 4. The director shall consider any recommendations of the
22 administrator or committee concerning the adoption of regulations
23 pursuant to this section.
- 24 5. The costs to establish the registry must be paid from the
25 anatomical gift account created pursuant to section 12 of this act.
- 26 **Sec. 8.** 1. The advisory committee on anatomical gifts, consisting
27 of 10 members, is hereby created. The committee consists of:
28 (a) One senator appointed by the majority leader of the senate;
29 (b) One assemblyman appointed by the speaker of the assembly; and
30 (c) The following members appointed by the governor:
31 (1) One member who represents a procurement organization that is
32 a member of the Organ Procurement and Transplantation Network;
33 (2) One member who represents a procurement organization that is
34 an accredited member of the American Association of Tissue Banks;
35 (3) One member who represents a procurement organization that is
36 certified by the Eye Bank Association of America;
37 (4) One member who represents the Nevada Hospital Association;
38 (5) One member who is an employee of the health division; and
39 (6) Three members of the general public who are not affiliated with
40 a procurement organization.
- 41 2. A majority of the members of the committee constitutes a quorum
42 for the transaction of the business of the committee.
- 43 3. At the first meeting of the committee and biennially thereafter, the
44 members of the committee shall elect a chairman from among its
45 members. If a vacancy occurs in the office of the chairman, the members
46 of the committee shall elect a member to serve the remainder of the
47 unexpired term.
- 48 **Sec. 9.** 1. The committee shall meet at the call of the chairman as
49 often as required to perform its duties, but not less than semiannually.



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1 2. *Except for the initial and legislative members, the term of office of*
2 *each member of the committee is 3 years. Each member shall continue in*
3 *office until his successor is appointed. A member of the committee may*
4 *not serve more than two consecutive terms. A vacancy must be filled by*
5 *appointment for the unexpired term in the same manner as the original*
6 *appointment.*

7 3. *Except for the initial legislative members, the term for each*
8 *legislative member is 2 years. A legislative member of the committee who*
9 *is not a candidate for reelection or who is defeated for reelection*
10 *continues to serve until the convening of the next session of the*
11 *legislature and until his successor is appointed.*

12 **Sec. 10.** 1. *Except as otherwise provided in subsection 3, each*
13 *member of the committee serves without compensation.*

14 2. *While engaged in the business of the committee, each member is*
15 *entitled to receive the per diem allowance and travel expenses provided*
16 *for state officers and employees generally. The per diem allowance and*
17 *travel expenses of:*

18 (a) *A member of the committee who is a legislator must be paid from*
19 *the legislative fund; and*

20 (b) *Any other member of the committee must be paid from the*
21 *anatomical gift account in the department of human resources' gift fund.*

22 3. *Except during a regular or special session of the legislature, for*
23 *each day or portion of a day during which a legislative member of the*
24 *committee attends a meeting of the committee or is otherwise engaged in*
25 *the business of the committee, he is entitled to receive the compensation*
26 *provided for a majority of the members of the legislature during the first*
27 *60 days of the preceding regular session. The compensation of a*
28 *legislative member of the committee must be paid from the legislative*
29 *fund.*

30 4. *The member of the committee who is an employee of the health*
31 *division must be relieved from his duties without loss of his regular*
32 *compensation so that he may prepare for and attend meetings of the*
33 *committee and perform any work necessary to carry out the duties of the*
34 *committee in the most timely manner practicable. The health division*
35 *shall not require the employee to make up the time he is absent from*
36 *work to carry out his duties as a member and shall not require the*
37 *employee to take annual vacation or compensatory time for the absence.*

38 **Sec. 11.** *The committee shall:*

39 1. *Consult with the director and submit to the director any*
40 *recommendations concerning the adoption of regulations;*

41 2. *Upon request, consult with the director or administrator on any*
42 *other matter relating to anatomical gifts;*

43 3. *On or before February 1 of each year, submit to the administrator*
44 *a report concerning its activities and recommendations relating to the*
45 *use of the money in the anatomical gift account created pursuant to*
46 *section 12 of this act and any other matters relating to anatomical gifts;*
47 *and*

48 4. *Adopt procedures for conducting its meetings.*



- 1 **Sec. 12.** 1. *The health division may apply for and accept any gifts,*
2 *grants, appropriations or donations to assist the health division in*
3 *carrying out programs relating to anatomical gifts.*
4 2. *Any money received by the health division for programs relating to*
5 *anatomical gifts must be deposited in the state treasury for credit to the*
6 *anatomical gift account which is hereby created in the department of*
7 *human resources' gift fund.*
8 3. *The money in the account must only be used to:*
9 (a) *Develop and carry out educational programs relating to*
10 *anatomical gifts for:*
11 (1) *The general public in this state; and*
12 (2) *Secondary schools in this state;*
13 (b) *Develop and carry out local and statewide programs to*
14 *acknowledge publicly families of donors;*
15 (c) *Develop and distribute information relating to anatomical gifts,*
16 *including, without limitation, the information described in subsection 6*
17 *of NRS 483.340 and subsection 5 of NRS 483.840;*
18 (d) *Consult with the Nevada Supreme Court, State Bar of Nevada and*
19 *William S. Boyd School of Law at the University of Nevada, Las Vegas,*
20 *to determine:*
21 (1) *The most effective programs for educating attorneys concerning*
22 *anatomical gifts and cooperating with those entities in carrying out those*
23 *programs; and*
24 (2) *The availability of legal documents, other than wills, that*
25 *attorneys may use to assist their clients in making anatomical gifts,*
26 *including, without limitation, declarations made pursuant to NRS*
27 *449.600 and durable powers of attorney for health care executed*
28 *pursuant to NRS 449.800 to 449.860, inclusive;*
29 (e) *Consult with the board of medical examiners, state board of*
30 *osteopathic medicine and the University of Nevada School of Medicine to*
31 *determine the most effective programs for:*
32 (1) *Educating physicians concerning anatomical gifts and*
33 *cooperating with those entities in carrying out those programs; and*
34 (2) *Encouraging physicians to assist their patients in making*
35 *anatomical gifts;*
36 (f) *Pay the costs, not to exceed \$5,000, incurred by the department to*
37 *facilitate the establishment of the registry required by section 7 of this*
38 *act;*
39 (g) *Reimburse the members of the committee for per diem allowances*
40 *and travel expenses as required by section 10 of this act; and*
41 (h) *Carry out such other purposes relating to anatomical gifts as the*
42 *administrator may approve.*
43 4. *The administrator shall consider the recommendations of the*
44 *committee included in the report required by section 11 of this act.*
45 5. *Each claim must be approved by the administrator before the*
46 *claim is paid.*
47 **Sec. 13.** NRS 451.510 is hereby amended to read as follows:
48 451.510 Unless the context otherwise requires, as used in NRS
49 451.500 to 451.590, inclusive, *and sections 2 to 12, inclusive, of this act,*



1 the words and terms defined in NRS 451.513 to 451.553, inclusive, *and*
2 *sections 2 to 6, inclusive, of this act* have the meanings ascribed to them in
3 those sections.


4 **Sec. 14.** NRS 481.023 is hereby amended to read as follows:

5 481.023 Except as otherwise provided therein, the department shall
6 execute, administer and enforce, and perform the functions and duties
7 provided in:

- 8 1. Title 43 of NRS relating to vehicles.
- 9 2. Chapter 706 of NRS relating to licensing of motor vehicle carriers
10 and the use of public highways by those carriers.
- 11 3. Chapter 366 of NRS relating to imposition and collection of taxes
12 on special fuels used for motor vehicles.
- 13 4. Chapter 453 of NRS relating to controlled substances and chapter
14 454 of NRS relating to dangerous drugs.
- 15 5. Chapter 459 of NRS relating to the transportation of hazardous
16 materials.
- 17 6. Chapter 414 of NRS relating to emergency management.
- 18 7. Chapter 477 of NRS relating to the state fire marshal.
- 19 8. Chapters 176A and 213 of NRS relating to parole and probation.
- 20 9. The provisions of NRS 426.401 to 426.461, inclusive.

21 **10. The provisions of section 7 of this act.**

22 **Sec. 15.** NRS 483.340 is hereby amended to read as follows:

23 483.340 1. The department shall upon payment of the required fee
24 issue to every qualified applicant a driver's license indicating the type or
25 class of vehicles the licensee may drive. The license must bear a unique
26 number assigned to the licensee pursuant to NRS 483.345, the licensee's
27 social security number, if he has one, unless he requests that it not appear
28 on the license, the full name, date of birth, mailing address  and a brief
29 description of the licensee, and a space upon which the licensee shall write
30 his usual signature in ink immediately upon receipt of the license. A
31 license is not valid until it has been so signed by the licensee.

32 2. The department may issue a driver's license for purposes of
33 identification only for use by officers of local police and sheriffs'
34 departments, agents of the investigation division of the department while
35 engaged in special undercover investigations relating to narcotics or
36 prostitution or for other undercover investigations requiring the
37 establishment of a fictitious identity, federal agents while engaged in
38 undercover investigations, investigators employed by the attorney general
39 while engaged in undercover investigations and agents of the state gaming
40 control board while engaged in investigations pursuant to NRS 463.140.
41 An application for such a license must be made through the head of the
42 police or sheriff's department, the chief of the investigation division, the
43 director of the appropriate federal agency, the attorney general or the
44 chairman of the state gaming control board. Such a license is exempt from
45 the fees required by NRS 483.410. The department, by regulation, shall
46 provide for the cancellation of any such driver's license upon the
47 completion of the special investigation for which it was issued.

48 3. Information pertaining to the issuance of a driver's license pursuant
49 to subsection 2 is confidential.



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1 4. It is unlawful for any person to use a driver's license issued pursuant
2 to subsection 2 for any purpose other than the special investigation for
3 which it was issued.

4 5. At the time of the issuance of the driver's license, the department
5 shall give the holder the opportunity to ~~indicate~~ :

6 *(a) Indicate on his driver's license that he wishes to be a donor of all or*
7 *part of his body pursuant to NRS 451.500 to 451.590, inclusive, or that he*
8 *refuses to make an anatomical gift of his body or part of his body ~~to~~ ; and*
9 *(b) Indicate whether he wishes to donate \$1 to the anatomical gift*
10 *account created pursuant to section 12 of this act.*

11 *6. If the holder wishes to make such a donation, the department shall*
12 *collect the donation and provide to the holder information concerning*
13 *anatomical gifts as required by section 7 of this act.*

14 *7. The department shall deposit the money collected pursuant to*
15 *subsection 6 in the state treasury for credit to the anatomical gift account*
16 *created pursuant to section 12 of this act.*

17 **Sec. 16.** NRS 483.840 is hereby amended to read as follows:
18 483.840 1. The form of the identification cards must be similar to
19 that of drivers' licenses but distinguishable in color or otherwise.

20 2. Identification cards do not authorize the operation of any motor
21 vehicles.

22 3. Identification cards must include the following information
23 concerning the holder:

24 (a) The name and sample signature of the holder.
25 (b) A unique identification number assigned to the holder that is not
26 based on the holder's social security number.
27 (c) A personal description of the holder.
28 (d) The date of birth of the holder.
29 (e) The current address of the holder in this state.
30 (f) A colored photograph of the holder in full face if he is 21 years of
31 age or older, or a colored photograph in profile if he is under 21 years of
32 age.

33 4. At the time of the issuance of the identification card, the department
34 shall give the holder the opportunity to ~~indicate~~ :

35 *(a) Indicate on his identification card that he wishes to be a donor of all*
36 *or part of his body pursuant to NRS 451.500 to 451.590, inclusive, or that*
37 *he refuses to make an anatomical gift of his body or part of his body ~~to~~*
38 *~~5.1~~ ; and*
39 *(b) Indicate whether he wishes to donate \$1 to the anatomical gift*
40 *account created pursuant to section 12 of this act.*

41 *5. If the holder wishes to make such a donation, the department shall*
42 *collect the donation and provide to the holder information concerning*
43 *anatomical gifts as required by section 7 of this act.*

44 *6. The department shall deposit the money collected pursuant to*
45 *subsection 5 in the state treasury for credit to the anatomical gift account*
46 *created pursuant to section 12 of this act.*

47 7. As used in this section, "photograph" has the meaning ascribed to it
48 in NRS 483.125.



1 **Sec. 17.** The department of motor vehicles and public safety shall
2 facilitate the establishment of the registry required by section 7 of this act
3 not later than July 1, 2002.

4 **Sec. 18.** 1. As soon as practicable after October 1, 2001, the
5 governor shall appoint to the advisory committee on anatomical gifts:
6 (a) Two members whose terms expire on September 30, 2003.
7 (b) Three members whose terms expire on September 30, 2004.
8 (c) Three members whose terms expire on September 30, 2005.
9 2. As soon as practicable after October 1, 2001, the majority leader of
10 the senate and the speaker of the assembly shall each appoint a member to
11 the advisory committee on anatomical gifts to a term which expires on
12 February 1, 2003.

