

ASSEMBLY BILL NO. 51—ASSEMBLYMEN KOIVISTO, GIBBONS,
MCCLAIN, PARKS, ANDERSON, ATKINSON, BUCKLEY,
CHOWNING, CLABORN, COLLINS, CONKLIN, GOLDWATER,
HORNE, LESLIE, MANENDO, MCCLEARY, OHRENSCHALL,
SHERER AND WILLIAMS

FEBRUARY 6, 2003

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions regarding anatomical gifts.
(BDR 40-121)

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

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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 public health; prohibiting a person, under certain circumstances, from requesting or requiring the consent or concurrence of any person to carry out an anatomical gift made by the donor; 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.** NRS 451.555 is hereby amended to read as follows:
2 451.555 1. Any person may:
3 (a) Make an anatomical gift for any of the purposes stated in
4 subsection 1 of NRS 451.560;
5 (b) Limit an anatomical gift to one or more of those purposes; or
6 (c) Refuse to make an anatomical gift.
7 2. Except as otherwise provided in subsection 3, an anatomical
8 gift may be made only by a document of gift signed by the donor. If
9 the donor:
10 (a) Cannot sign, the document of gift must be signed by another
11 person and by two witnesses, all of whom have signed at the
12 direction and in the presence of the donor and of each other and
13 state that it has been so signed.



1 (b) Is less than 18 years of age, the document of gift must also
2 be signed by two witnesses, one of whom is a parent or guardian of
3 the donor and consents to the donation, at the direction and in the
4 presence of the donor and of each other and state that it has been so
5 signed.

6 3. If the donor is less than 12 years of age, the document of gift
7 must be signed by a parent or guardian of the donor, on behalf of the
8 donor, and two witnesses at the direction and in the presence of the
9 parent or guardian and of each other and state that it has been so
10 signed. The document is not required to be signed by the donor.

11 4. If a document of gift is imprinted on a donor's driver's
12 license or identification card, the document of gift must comply with
13 subsection 2. Revocation, suspension, expiration or cancellation of
14 the license or card does not invalidate the anatomical gift.

15 5. A document of gift may authorize a particular physician to
16 carry out the appropriate procedures. In the absence of such
17 authorization or if the designated physician is not available, the
18 donee or other person authorized to accept the anatomical gift may
19 employ or authorize any physician, technician or enucleator to carry
20 out the appropriate procedures.

21 6. An anatomical gift by will takes effect upon the death of the
22 testator, whether or not the will is probated. If, after death, the will
23 is declared invalid for testamentary purposes, the validity of the
24 anatomical gift is unaffected.

25 7. Except as otherwise provided in subsections 8 and 9, a donor
26 may amend or revoke an anatomical gift, not made by will, only by:

- 27 (a) A signed statement;
28 (b) An oral statement made in the presence of two persons;
29 (c) Any form of communication during a terminal illness or
30 injury addressed to a physician; or
31 (d) The delivery of a signed statement to a specified donee to
32 whom a document of gift had been delivered.

33 8. Except as otherwise provided in subsection 9, a donor who
34 is less than 18 years of age may, with the consent of his parent or
35 guardian, amend or revoke an anatomical gift, not made by will, by:

- 36 (a) A signed statement;
37 (b) An oral statement made in the presence of two persons;
38 (c) Any form of communication during a terminal illness or
39 injury addressed to a physician; or
40 (d) The delivery of a signed statement to a specified donee to
41 whom a document of gift had been delivered.

42 9. A donor who is less than 12 years of age may not amend or
43 revoke an anatomical gift. The parent or guardian who made the gift
44 on behalf of the donor may amend or revoke an anatomical gift, not
45 made by will, only by:



- 1 (a) A signed statement;
2 (b) An oral statement made in the presence of two persons;
3 (c) Any form of communication during a terminal illness or
4 injury addressed to a physician; or
5 (d) The delivery of a signed statement to a specified donee to
6 whom a document of gift had been delivered.

7 10. The donor of an anatomical gift made by will may amend
8 or revoke the gift in the manner provided for amendment or
9 revocation of wills in chapter 133 of NRS or as provided in
10 subsection 7, 8 or 9.

11 11. An anatomical gift that is not revoked by the donor before
12 death is irrevocable . ~~[and does not require the consent or~~
13 ~~concurrence of any person after the donor's death.]~~ The intent of a
14 donor to make an anatomical gift, as evidenced by a document of
15 gift, may not be revoked by any member of the classes of persons
16 set forth in subsection 1 of NRS 451.557.

17 12. *An anatomical gift that is not revoked by the donor before*
18 *death does not require the consent or concurrence of any person*
19 *after the donor's death. A hospital, physician, coroner, local*
20 *health officer, enucleator, technician or other person, who acts in*
21 *accordance with the provisions of NRS 451.500 to 451.590,*
22 *inclusive, or with any other laws of the State of Nevada relating to*
23 *anatomical gifts may not request or require the consent or*
24 *concurrence of any person after the donor's death to carry out the*
25 *anatomical gift.*

26 13. A person may refuse to make an anatomical gift of his
27 body or part by:

- 28 (a) A writing signed in the same manner as a document of gift;
29 (b) A statement imprinted on his driver's license or
30 identification card; or
31 (c) Any other writing used to identify him as refusing to make
32 an anatomical gift.

33 During a terminal illness or injury, the refusal may be an oral
34 statement or other form of communication.

35 ~~[13.]~~ 14. In the absence of contrary indications by the donor, an
36 anatomical gift of a part is neither a refusal to give other parts nor a
37 limitation on an anatomical gift under NRS 451.557.

38 ~~[14.]~~ 15. In the absence of contrary indications by the donor, a
39 revocation or amendment of an anatomical gift is not a refusal to
40 make another anatomical gift. If the donor intends a revocation to be
41 a refusal to make an anatomical gift, he shall make the refusal
42 pursuant to subsection ~~[12.]~~ 13.

