

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

CHAPTER.....

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:

**Section 1.** NRS 451.523 is hereby amended to read as follows:  
451.523 “Document of gift” means a card, ~~[a statement imprinted on a driver’s license or identification card, a will,]~~ *statement, will* or other writing used to make an anatomical gift.

**Sec. 2.** NRS 451.555 is hereby amended to read as follows:

451.555 1. Any person may:

(a) Make an anatomical gift for any of the purposes stated in subsection 1 of NRS 451.560;

(b) Limit an anatomical gift to one or more of those purposes; or

(c) Refuse to make an anatomical gift.

2. Except as otherwise provided in *this subsection and* subsection 3, an anatomical gift may be made only by a document of gift signed by the donor. If the donor:

(a) Cannot sign, the document of gift must be signed by another person and by two witnesses, all of whom have signed at the direction and in the presence of the donor and of each other and state that it has been so signed.

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

3. ~~[[~~ *Except as otherwise provided in subsection 4, if* the donor is less than 12 years of age, the document of gift must be signed by a parent or guardian of the donor, on behalf of the donor, and two witnesses at the direction and in the presence of the parent or guardian and of each other and state that it has been so signed. The document is not required to be signed by the donor.

4. ~~[[~~ *A symbol or other indication that* a document of gift ~~[[is]~~ *has been executed by or on behalf of a donor may be* imprinted on ~~[[a]~~ *the* donor’s driver’s license or identification card ~~[[if]~~ *if* the document of gift ~~[[must comply]~~ *complies* with subsection 2.

Revocation, suspension, expiration or cancelation of the license or card does not invalidate the anatomical gift.

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

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

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

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

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

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

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

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

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

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.

12. *An anatomical gift that is not revoked by the donor before death does not require the consent or concurrence of any person after the donor's death. A hospital, physician, coroner, local health officer, enucleator, technician or other person who:*

*(a) Is aware that a symbol or other indication that a document of gift has been executed by or on behalf of a donor is imprinted on the donor's driver's license or identification card; or*

*(b) Acts in accordance with the provisions of NRS 451.500 to 451.590, inclusive, or with any other laws of the State of Nevada relating to anatomical gifts, shall not request or require the consent or concurrence of any person after the donor's death to carry out the anatomical gift.*

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

(a) A writing signed in the same manner as a document of gift;

(b) A statement imprinted on his driver's license or identification card; or

(c) Any other writing used to identify him as refusing to make an anatomical gift.

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

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

~~{14.}~~ 15. In the absence of contrary indications by the donor, a revocation or amendment of an anatomical gift is not a refusal to make another anatomical gift. If the donor intends a revocation to be a refusal to make an anatomical gift, he shall make the refusal pursuant to subsection ~~{12.}~~ 13.

**Sec. 3.** NRS 483.340 is hereby amended to read as follows:

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

2. The Department may issue a driver's license for purposes of identification only for use by officers of local police and sheriffs' departments, agents of the Investigation Division of the Department

of Public Safety while engaged in special undercover investigations relating to narcotics or prostitution or for other undercover investigations requiring the establishment of a fictitious identity, federal agents while engaged in undercover investigations, investigators employed by the Attorney General while engaged in undercover investigations and agents of the State Gaming Control Board while engaged in investigations pursuant to NRS 463.140. An application for such a license must be made through the head of the police or sheriff's department, the Chief of the Investigation Division of the Department of Public Safety, the director of the appropriate federal agency, the Attorney General or the Chairman of the State Gaming Control Board. Such a license is exempt from the fees required by NRS 483.410. The Department, by regulation, shall provide for the cancellation of any such driver's license upon the completion of the special investigation for which it was issued.

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

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

5. At the time of the issuance or renewal of the driver's license, the Department shall:

(a) Give the holder the opportunity to ~~indicate~~ *have indicated* on his driver's license that he wishes to be a donor of all or part of his body pursuant to NRS 451.500 to 451.590, inclusive, or ~~that he refuses~~ *to refuse to* make an anatomical gift of his body or part of his body;

(b) Give the holder the opportunity to indicate whether he wishes to donate \$1 or more to the Anatomical Gift Account created by NRS 460.150; and

(c) Provide to each holder who is interested in becoming a donor information relating to anatomical gifts, including the procedure for registration as a donor with The Living Bank International or its successor organization.

6. If the holder wishes to make a donation to the Anatomical Gift Account, the Department shall collect the donation and deposit the money collected in the State Treasury for credit to the Anatomical Gift Account.

7. The Department shall submit to The Living Bank International, or its successor organization, information from the records of the Department relating to persons who have drivers' licenses that indicate the intention of those persons to make an anatomical gift. The Department shall adopt regulations to carry out the provisions of this subsection.

**Sec. 4.** NRS 483.840 is hereby amended to read as follows:

483.840 1. The form of the identification cards must be similar to that of drivers' licenses but distinguishable in color or otherwise.

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

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

(a) The name and sample signature of the holder.

(b) A unique identification number assigned to the holder that is not based on the holder's social security number.

(c) A personal description of the holder.

(d) The date of birth of the holder.

(e) The current address of the holder in this state.

(f) A colored photograph of the holder.

4. The information required to be included on the identification card pursuant to subsection 3 must be placed on the card in the manner specified in subsection 1 of NRS 483.347.

5. At the time of the issuance of the identification card, the Department shall:

(a) Give the holder the opportunity to ~~indicate~~ *have indicated* on his identification card that he wishes to be a donor of all or part of his body pursuant to NRS 451.500 to 451.590, inclusive, or ~~that he refuses~~ to *refuse to* make an anatomical gift of his body or part of his body;

(b) Give the holder the opportunity to indicate whether he wishes to donate \$1 or more to the Anatomical Gift Account created by NRS 460.150; and

(c) Provide to each holder who is interested in becoming a donor information relating to anatomical gifts, including the procedure for registration as a donor with The Living Bank International or its successor organization.

6. If the holder wishes to make a donation to the Anatomical Gift Account, the Department shall collect the donation and deposit the money collected in the State Treasury for credit to the Anatomical Gift Account.

7. The Department shall submit to The Living Bank International, or its successor organization, information from the records of the Department relating to persons who have identification cards issued by the Department that indicate the intention of those persons to make an anatomical gift. The Department shall adopt regulations to carry out the provisions of this subsection.

8. As used in this section, “photograph” has the meaning ascribed to it in NRS 483.125.