

SENATE BILL NO. 337—SENATORS KIECKHEFER AND COPENING

MARCH 21, 2011

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing persons who may receive an anatomical gift. (BDR 40-1055)

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 anatomical gifts; providing under certain circumstances that certain anatomical gifts pass to a family member of the donor who is a medically suitable recipient for the gift; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the rights of donors and recipients of anatomical gifts of all or part of a human body for the purpose of transplantation, therapy, research or education. Existing law also sets forth various requirements and procedures for making and receiving anatomical gifts. (NRS 451.500-451.598) This bill provides that, before certain anatomical gifts may pass to an appropriate eye, tissue or organ bank, the gift must first pass to a family member of the donor who is: (1) a medically suitable recipient for the part; (2) a resident of this State; and (3) related to the donor within the fourth degree of consanguinity or affinity.

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

Section 1. NRS 451.571 is hereby amended to read as follows:
451.571 1. An anatomical gift may be made to the following persons named in the document of gift:
(a) A hospital, accredited medical school, dental school, college, university, organ procurement organization or other appropriate person, for research or education;



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(b) Subject to subsection 2, a natural person designated by the person making the anatomical gift if the natural person is the recipient of the part; or

(c) An eye bank or tissue bank.

2. If an anatomical gift to a natural person under paragraph (b) of subsection 1 is not medically suitable for transplantation into the natural person, the gift, in the absence of an express, contrary indication by the person making the gift:

(a) If it is medically suitable for transplantation or therapy for other natural persons, must be used for transplantation or therapy, and the gift passes in accordance with subsection 8.

(b) If it is not medically suitable for transplantation or therapy for other natural persons, may be used for research or education and, if so used, the gift passes to the appropriate procurement, research or educational organization or other appropriate person for research or education.

3. If an anatomical gift of one or more specific parts or of all parts is made in a document of gift that does not name a person described in subsection 1 but identifies the purpose for which an anatomical gift may be used, the following rules apply:

(a) If the part is an eye and the gift is for the purpose of transplantation or therapy, the gift passes to the appropriate eye bank.

(b) If the part is tissue and the gift is for the purpose of transplantation or therapy, the gift passes to the appropriate tissue bank.

(c) If the part is an organ and the gift is for the purpose of transplantation or therapy, the gift passes to the appropriate organ procurement organization as custodian of the organ.

(d) If the part is an organ, an eye or tissue and the gift is for the purpose of research or education, the gift passes to the appropriate procurement, research or educational organization or other appropriate person for research or education.

4. For the purpose of subsection 3, if there is more than one purpose of an anatomical gift set forth in the document of gift but the purposes are not set forth in any priority, the gift, in the absence of an express, contrary indication by the person making the gift:

(a) If it is medically suitable for transplantation or therapy, must be used for transplantation or therapy, and the gift passes in accordance with paragraphs (a), (b) and (c) of subsection 3.

(b) If it is not medically suitable for transplantation or therapy, may be used for research or education and, if so used, the gift passes to the appropriate procurement, research or educational organization or other appropriate person for research or education.



5. If an anatomical gift of one or more specific parts is made in a document of gift that does not name a person described in subsection 1 and does not identify the purpose of the gift, the gift, in the absence of an express, contrary indication by the person making the gift:

(a) If it is medically suitable for transplantation or therapy, must be used for transplantation or therapy, and the gift passes in accordance with subsection 8.

(b) If it is not medically suitable for transplantation or therapy, may be used for research or education and, if so used, the gift passes to the appropriate procurement, research or educational organization or other appropriate person for research or education.

6. If a document of gift specifies only a general intent to make an anatomical gift by words such as "donor" or "organ donor" or by a symbol or statement of similar import, the gift, in the absence of an express, contrary indication by the person making the gift:

(a) If it is medically suitable for transplantation or therapy, must be used for transplantation or therapy, and the gift passes in accordance with subsection 8.

(b) If it is not medically suitable for transplantation or therapy, may be used for research or education and, if so used, the gift passes to the appropriate procurement, research or educational organization or other appropriate person for research or education.

7. If a document of gift specifies only a general intent to make an anatomical gift by words such as "body donor" or by a symbol or statement of similar import, the gift, in the absence of an express, contrary indication by the person making the gift:

(a) If any part is medically suitable for transplantation or therapy, must be used for transplantation or therapy, and the gift passes in accordance with subsection 8.

(b) If any part is not medically suitable for transplantation or therapy, may be used for research or education and, if so used, the gift passes to the appropriate procurement, research or educational organization or other appropriate person for research or education.

8. For purposes of subsections 2, 5, 6 and 7, if an anatomical gift is medically suitable for transplantation or therapy, the following rules apply:

(a) *If a family member of the donor resides in this State and is a medically suitable recipient for the gift, the gift passes to the family member.*

(b) *If no family member exists as described in paragraph (a):*

(1) *If the part is an eye, the gift passes to the appropriate eye bank.*

~~(b)~~ (2) *If the part is tissue, the gift passes to the appropriate tissue bank.*



~~H(3)~~ (3) If the part is an organ, the gift passes to the appropriate organ procurement organization as custodian of the organ.

9. An anatomical gift of an organ for transplantation or therapy, other than an anatomical gift under paragraph (b) of subsection 1, passes to the organ procurement organization as custodian of the organ.

10. If an anatomical gift does not pass pursuant to subsections 1 to 9, inclusive, or the decedent's body or part is not used for transplantation, therapy, research or education, custody of the body or part passes to the person under obligation to dispose of the body or part.

11. A person may not accept an anatomical gift if the person knows that the gift was not effectively made under NRS 451.558 or 451.568 or if the person knows that the decedent made a refusal under NRS 451.561 that was not revoked. For purposes of this subsection, if a person knows that an anatomical gift was made on a document of gift, the person is deemed to know of any amendment or revocation of the gift or any refusal to make an anatomical gift on the same document of gift.

12. Except as otherwise provided in paragraph (b) of subsection 1 ~~H~~ and subsection 8, nothing in NRS 451.500 to 451.598, inclusive, affects the allocation of organs for transplantation or therapy.

13. *As used in this section, "family member" means a person who is related to the donor within the fourth degree of consanguinity or affinity.*

