

ASSEMBLY BILL NO. 144—ASSEMBLYMEN CARRILLO
AND OHRENSCHALL

FEBRUARY 18, 2013

Referred to Committee on Health and Human Services

SUMMARY—Revises certain provisions pertaining to anatomical gifts. (BDR 40-141)

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 that an anatomical gift made by an unemancipated minor who is at least 16 years of age and possesses a driver's license or identification card cannot be revoked or amended by the minor's parent or guardian under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, an unemancipated minor may make an anatomical gift of his or her body or part thereof if he or she is authorized under state law to apply for a driver's license because he or she is at least 16 years of age. (NRS 451.556, 451.558) However, existing law also provides that if a donor who is an unemancipated minor dies, a parent of the donor who is reasonably available may revoke or amend an anatomical gift of the donor's (minor's) body or part. (NRS 451.562)

This bill creates an exception such that if a donor who is an unemancipated minor dies and at the time of his or her death the donor was at least 16 years of age and held a valid driver's license or identification card, a parent or guardian of the donor is prohibited from revoking or amending an anatomical gift of the donor's (minor's) body or part if the donor and a parent or guardian have both executed a form authorizing the anatomical gift.

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

Section 1. NRS 451.558 is hereby amended to read as follows:
451.558 1. A donor may make an anatomical gift:



(a) By authorizing a statement or symbol indicating that the donor has made an anatomical gift to be imprinted on the donor's driver's license or identification card;

(b) In a will;

(c) During a terminal illness or injury of the donor, by any form of communication addressed to at least two adults, at least one of whom is a disinterested witness; or

(d) As provided in subsection 2.

2. A donor or other person authorized to make an anatomical gift under NRS 451.556 may make a gift by a donor card or other record signed by the donor or other person making the gift or by authorizing that a statement or symbol indicating that the donor has made an anatomical gift be included on a donor registry. If the donor or other person is physically unable to sign a record, the record may be signed by another natural person at the direction of the donor or other person and must:

(a) Be witnessed by at least two adults, at least one of whom is a disinterested witness, who have signed at the request of the donor or the other person; and

(b) State that it has been signed and witnessed as provided in paragraph (a).

3. *An anatomical gift made in the manner described in paragraph (a) of subsection 1 by a donor who is at least 16 years of age but less than 18 years of age is valid and may not be revoked by a parent or guardian if the donor and his or her parent or guardian sign a form prescribed by the Department of Motor Vehicles which indicates that unless the anatomical gift is amended or revoked by the donor before his or her death, the anatomical gift may not be amended or revoked by the parent or guardian of the donor.*

4. Revocation, suspension, expiration or cancellation of a driver's license or identification card upon which an anatomical gift is indicated does not invalidate the gift.

~~[4.]~~ 5. An anatomical gift made by will takes effect upon the donor's death whether or not the will is probated. Invalidation of the will after the donor's death does not invalidate the gift.

Sec. 2. NRS 451.562 is hereby amended to read as follows:

451.562 1. ~~[Except as otherwise provided in subsection 7 and subject]~~ *Subject to [subsection] the provisions of subsections 6 [4] and 7,* in the absence of an express, contrary indication by the donor, a person other than the donor is barred from making, amending or revoking an anatomical gift of a donor's body or part if the donor made an anatomical gift of the donor's body or part under NRS 451.558 or an amendment to an anatomical gift of the donor's body or part under NRS 451.559.



2. A donor's revocation of an anatomical gift of the donor's body or part under NRS 451.559 is not a refusal and does not bar another person specified in NRS 451.556 or 451.566 from making an anatomical gift of the donor's body or part under NRS 451.558 or 451.568.

3. If a person other than the donor makes an unrevoked anatomical gift of the donor's body or part under NRS 451.558 or an amendment to an anatomical gift of the donor's body or part under NRS 451.559, another person may not make, amend or revoke the gift of the donor's body or part under NRS 451.568.

4. A revocation of an anatomical gift of a donor's body or part under NRS 451.559 by a person other than the donor does not bar another person from making an anatomical gift of the body or part under NRS 451.558 or 451.568.

5. In the absence of an express, contrary indication by the donor or other person authorized to make an anatomical gift under NRS 451.556, an anatomical gift of a part is neither a refusal to give another part nor a limitation on the making of an anatomical gift of another part at a later time by the donor or another person.

6. In the absence of an express, contrary indication by the donor or other person authorized to make an anatomical gift under NRS 451.556, an anatomical gift of a part for one or more of the purposes set forth in NRS 451.556 is not a limitation on the making of an anatomical gift of the part for any of the other purposes by the donor or any other person under NRS 451.558 or 451.568.

7. ~~¶¶~~ *Except as otherwise provided in NRS 451.558, if* a donor who is an unemancipated minor dies, a parent *or guardian* of the donor who is reasonably available may revoke or amend an anatomical gift of the donor's body or part.

8. If an unemancipated minor who signed a refusal dies, a parent *or guardian* of the minor who is reasonably available may revoke the minor's refusal.

Sec. 3. This act becomes effective on July 1, 2013.

