AN ACT

Relating to anatomical gifts and the anatomical gift donor registry program.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

THE ACT FOLLOWS ON PAGE 1
AN ACT

Relating to anatomical gifts and the anatomical gift donor registry program.

* Section 1. AS 13.50.190(5) is repealed and reenacted to read:
   (5) "procurement organization" has the meaning given in AS 13.52.200(i);

* Sec. 2. AS 13.50.190 is amended by adding new paragraphs to read:
   (10) "donor" has the meaning given in AS 13.52.390;
   (11) "gift" means an anatomical gift; in this paragraph, "anatomical gift" has the meaning given in AS 13.52.390;
   (12) "part" has the meaning given in AS 13.52.390.

* Sec. 3. AS 13.52.060(b) is amended to read:
   (b) A supervising health care provider who knows of the existence of an advance health care directive, a revocation of an advance health care directive, or a designation or disqualification of a surrogate shall promptly record its existence in the patient's health care record, shall request a
copy if it is in writing, and shall arrange for its maintenance in the health care record if a copy is furnished.

* Sec. 4. AS 13.52.200(a) is amended to read:

(a) If, at or near the time of death of a patient, there is no medical record that the patient has made or refused to make an anatomical gift, the hospital administrator or a designee of the hospital shall contact a [AN ORGAN] procurement organization so that the [ORGAN] procurement organization may discuss the potential to make a gift with the family, agent, or surrogate of the patient. The [ORGAN] procurement organization shall discuss the potential gift with reasonable discretion and sensitivity to the circumstances of the family.

* Sec. 5. AS 13.52.200(d) is amended to read:

(d) The following persons shall make a reasonable search for a document of gift or other information identifying the bearer as a donor or as an individual who has refused to make an anatomical gift:

(1) a law enforcement officer, fire fighter, paramedic, or other emergency rescuer finding an individual who the searcher believes is dead or near death; and

(2) a hospital, a rural clinic, a mortuary, a hospice, or a [AN ORGAN] procurement organization, upon the admission of an individual at or near the time of death, if there is not immediately available any other source of that information.

* Sec. 6. AS 13.52.200(e) is amended to read:

(e) If a document of gift or evidence of refusal to make an anatomical gift is located by the search required by (d)(1) of this section, and the individual or body to whom it relates is

(1) taken to a hospital, the hospital shall [MUST] be notified of the contents, and the document or other evidence shall [MUST] be sent to the hospital;

(2) not taken to a hospital, the persons identified in (d)(1) of this section or a designee of the persons identified in (d)(1) of this section shall notify a procurement organization.

* Sec. 7. AS 13.52.200(f) is amended to read:
(f) If, at or near the time of death of a patient, a hospital, rural clinic, mortuary, or hospice knows that an anatomical gift has been made under AS 13.52.170 or 13.52.180(a), or that a patient or an individual identified as in transit to the hospital, rural clinic, mortuary, or hospice is a donor, the hospital, rural clinic, mortuary, or hospice shall notify a [AN ORGAN] procurement organization. The hospital, rural clinic, mortuary, or hospice shall cooperate in the implementation of the anatomical gift or release and removal of a part.

* Sec. 8. AS 13.52.200(h) is amended to read:

    (h) The commissioner of health and social services shall adopt regulations to implement (a) [(a) - (c)] of this section.

* Sec. 9. AS 13.52.200 is amended by adding a new subsection to read:

    (i) In this section, "procurement organization" means an organization that operates in this state and is licensed, accredited, or otherwise authorized under the laws of this state or another state to handle the procurement, distribution, or storage of all or a part of an individual's body.

* Sec. 10. AS 13.52.390(41) is amended to read:

    (41) "technician" means an individual who has the education, training, and experience necessary to competently [IS LICENSED OR CERTIFIED BY THE STATE MEDICAL BOARD TO] remove or process a part;

* Sec. 11. AS 13.52.200(b), 13.52.200(c), and 13.52.390(29) are repealed.