



LAWS OF ALASKA

1988

Source

SCS CSHB 306 (HESS)

Chapter No.

43

AN ACT

Relating to anatomical gifts.

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

THE ACT FOLLOWS ON PAGE 1, LINE 8.

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: May 23, 1988
Actual Effective Date: August 21, 1988

AN ACT

Relating to anatomical gifts.

* Section 1. AS 13.50.010(a) is amended to read:

(a) A person of sound mind who is 18 [19] or more years of age may make a gift to take effect upon death, of all or a part of the person's body for a purpose specified in AS 13.50.020.

* Sec. 2. AS 13.50 is amended by adding new sections to read:

Sec. 13.50.014. REQUESTS BY HOSPITALS FOR ANATOMICAL GIFTS. (a) When a person dies in a hospital or is pronounced dead after arriving at a hospital, the administrator or a designated employee shall request a gift under AS 13.50.010(b), unless the administrator or employee knows that the person has executed a gift.

(b) Each hospital in the state shall develop procedures for identifying potential donors of gifts, requesting gifts, notifying and coordinating with eye banks, tissue banks, and organ procurement agencies, and assisting in the procurement, removal, storage, and transportation of gifts. The procedures must specify the circumstances under which it is inappropriate to request a gift, such as if the gift is unsuitable, if the request is likely to offend the donor's religious beliefs, or if making the request is likely to cause undue emotional distress to the person who would be asked to make the gift. The procedures must encourage reasonable discretion and sensitivity.

(c) The commissioner of health and social services shall exempt from the requirements of this section a hospital that lacks the means

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1 to properly remove, store, or transport gifts.

2 Sec. 13.50.016. INVESTIGATIONS BY LAW ENFORCEMENT AND MEDICAL
3 PERSONNEL. Law enforcement or medical personnel who respond to the
4 scene of an accident or emergency involving the death of a person and
5 who know that the person executed a gift shall inform appropriate
6 hospital personnel of the gift.

7 * Sec. 3. AS 13.50.060(a) is amended to read:

8 (a) The donee may accept or reject the gift. If the donee
9 accepts a gift of the entire body, the donee may, subject to the terms
10 of the gift, authorize embalming and the use of the body in funeral
11 services. If the gift is of a part of the body, the donee, upon the
12 death of the donor and before embalming shall have the part removed
13 without unnecessary mutilation. After removal of the part of the
14 body, custody of the remainder of the body vests in the surviving
15 spouse, next of kin, or a person other than the spouse or next of kin
16 who is authorized to dispose of the body. A person described in
17 AS 13.50.010(b) and the estate of the donor may not be held liable for
18 the cost of an examination under AS 13.50.010(e) or any costs related
19 to the removal, storage, or transportation of a gift.

20 * Sec. 4. AS 13.50.060(c) is amended to read:

21 (c) A person who acts in good faith in accordance with the terms
22 of this chapter or the anatomical gift laws of another state or coun-
23 try is not liable for damages for the act in a [ANY] civil action or
24 subject to prosecution in a [ANY] criminal proceeding for the act.

25 * Sec. 5. AS 13.50 is amended by adding a new section to read:

26 Sec. 13.50.065. REGULATIONS. The commissioner of health and
27 social services shall adopt regulations for the appropriate training
28 of hospital employees who are designated under AS 13.50.014 to request
29 gifts and for the implementation of this chapter.

1 * Sec. 6. AS 13.50.070 is amended by adding a new paragraph to read:

2 (8) "gift" means an anatomical gift of all or part of a
3 person's body.

4 * Sec. 7. AS 18.65 is amended by adding a new section to read:

5 Sec. 18.65.311. ANATOMICAL GIFT DOCUMENT. (a) The department
6 shall provide, at the time that an identification card is issued, a
7 form for a document by which the card holder may make an anatomical
8 gift under AS 13.50 (Uniform Anatomical Gifts Act). The document (1)
9 may not be larger than an identification card, (2) must contain suffi-
0 cient space for the signature of two witnesses to the donor's act of
1 execution of the document, and (3) must provide a means by which the
2 donor may cancel the gift. If the document making an anatomical gift
3 is executed by the applicant, it shall be sealed in plastic and
4 attached to the identification card. A symbol indicating the exis-
5 tence of the anatomical gift document must be displayed in the lower
6 right-hand corner on the face of the identification card.

(b) An employee of the department who processes an identifica-
tion card application, other than an application received by mail,
shall ask the applicant orally whether the applicant wishes to execute
an anatomical gift. The department shall, by placement of posters and
brochures in the office where the application is taken, and by oral
advice, if requested, make known to the applicant the procedure neces-
sary to execute a gift under AS 13.50.

* Sec. 8. AS 28.10.021 is amended by adding a new subsection to read:

(c) An employee of the department who processes an application
for registration or renewal of registration, other than an application
received by mail, shall ask the applicant orally whether the applicant
wishes to execute an anatomical gift. The department shall make known
to all applicants the procedure for executing a gift under AS 13.50

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1 (Uniform Anatomical Gifts Act) by displaying posters in the offices in
2 which applications are taken, by providing a brochure or other written
3 information to each person who applies in person or by mail, and, if
4 requested, by providing oral advice.

5 * Sec. 9. AS 28.15.061(d) is repealed and reenacted to read:

6 (d) An employee of the department who processes a driver's
7 license application, other than an application received by mail, shall
8 ask the applicant orally whether the applicant wishes to execute an
9 anatomical gift. The department shall make known to all applicants
10 the procedure for executing a gift under AS 13.50 (Uniform Anatomical
11 Gifts Act) by displaying posters in the offices in which applications
12 are taken, by providing a brochure or other written information to
13 each person who applies in person or by mail, and, if requested, by
14 providing oral advice.
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