

HOUSE BILL NO. 214

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES MCGUIRE, Kerttula, Gruenberg, Samuels

Introduced: 3/9/05

Referred: State Affairs, Health, Education and Social Services

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to anatomical gifts and the anatomical gift donor registry program."**

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

3 * **Section 1.** AS 13.50.190(5) is repealed and reenacted to read:

4 (5) "procurement organization" has the meaning given in
5 AS 13.52.200(i);

6 * **Sec. 2.** AS 13.50.190 is amended by adding new paragraphs to read:

7 (10) "donor" has the meaning given in AS 13.52.390;

8 (11) "gift" means an anatomical gift; in this paragraph, "anatomical
9 gift" has the meaning given in AS 13.52.390;

10 (12) "part" has the meaning given in AS 13.52.390.

11 * **Sec. 3.** AS 13.52.060(b) is amended to read:

12 (b) A [EXCEPT AS PROVIDED IN AS 13.52.200, A] supervising health care
13 provider who knows of the existence of an advance health care directive, a revocation
14 of an advance health care directive, or a designation or disqualification of a surrogate
15 shall promptly record its existence in the patient's health care record, shall request a

1 copy if it is in writing, and shall arrange for its maintenance in the health care record if
2 a copy is furnished.

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

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

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

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

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

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

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

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

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

28 **(2) not taken to a hospital, the persons identified in (d)(1) of this**
29 **section shall notify a procurement organization and send the document or other**
30 **evidence to the procurement organization.**

31 * **Sec. 7.** AS 13.52.200(f) is amended to read:

1 (f) If, at or near the time of death of a patient, a hospital knows that an
 2 anatomical gift has been made under AS 13.52.170 or 13.52.180(a), or that a patient or
 3 an individual identified as in transit to the hospital is a donor, the hospital shall notify
 4 a [AN ORGAN] procurement organization. The hospital shall cooperate in the
 5 implementation of the anatomical gift or release and removal of a part.

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

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

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

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

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

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

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