

**SENATE CS FOR CS FOR HOUSE BILL NO. 214(STA)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered: 4/22/05

Referred: Health, Education and Social Services

Sponsor(s): REPRESENTATIVES MCGUIRE, Kerttula, Gruenberg, Samuels, Crawford, Dahlstrom

**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3 \* **Section 1.** AS 13.50.190(5) is repealed and reenacted to read: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, a rural clinic, a mortuary, a hospice, or a [AN  
19 ORGAN] procurement organization, upon the admission of an individual at or near the  
20 time of death, if there is not immediately available any other source of that  
21 information.

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

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

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

28 **(2) not taken to a hospital, the persons identified in (d)(1) of this**  
29 **section or a designee of the persons identified in (d)(1) of this section shall notify**  
30 **a 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, **rural clinic,**  
 2 **mortuary, or hospice** knows that an anatomical gift has been made under  
 3 AS 13.52.170 or 13.52.180(a), or that a patient or an individual identified as in transit  
 4 to the hospital, **rural clinic, mortuary, or hospice** is a donor, the hospital, **rural**  
 5 **clinic, mortuary, or hospice** shall notify **a** [AN ORGAN] procurement organization.  
 6 The hospital, **rural clinic, mortuary, or hospice** shall cooperate in the  
 7 implementation of the anatomical gift or release and removal of a part.

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

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

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

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

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

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

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