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1 IN THE HOUSE

2

HOUSE BILL NO. 306

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to anatomical gifts."

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

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

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

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

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

18 (b) Each hospital in the state shall develop procedures for
19 identifying potential donors of gifts, requesting gifts, notifying and
20 coordinating with eye banks, tissue banks, and organ procurement
21 agencies, and assisting in the procurement, removal, storage, and
22 transportation of gifts. The procedures must specify the circum-
23 stances under which it is inappropriate to request a gift, such as if
24 the gift is unsuitable, or if making the request is likely to cause
25 undue emotional distress to the person who would be asked to make the
26 gift. The procedures must encourage reasonable discretion and sensi-
27 tivity.

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

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 is amended by adding a new section to read:

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

25 * Sec. 5. AS 13.50.070 is amended by adding a new paragraph to read:

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

28 * Sec. 6. AS 28.15.061(d) is amended to read:

29 (d) An employee of the department who processes a driver's

1 license application, other than an application received by mail, shall
2 ask the applicant orally whether the applicant wishes to execute an
3 anatomical gift. The department shall, by placement of posters and
4 brochures in the office where the application is taken, and by oral
5 advice, if requested, make known to the applicant the procedure neces-
6 sary to execute [COMPLETE] a [DOCUMENT OF] gift under the Uniform
7 Anatomical Gifts Act (AS 13.50).