

CS FOR SENATE BILL NO. 112 (HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 3/6/91
Referred: Judiciary

Sponsor(s): SENATOR FAHRENKAMP

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to anatomical gifts."

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

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

4 (d) If the donee has actual notice of contrary indications by the decedent or that a gift
5 by a member of a class is opposed by a member of the same or a prior class, the donee may not
6 accept the gift. However, an anatomical gift that is not revoked by the donor before death
7 is irrevocable and does not require the consent or concurrence of any person after the
8 donor's death.

9 * Sec. 2. AS 13.50.014(a) is amended to read:

10 (a) When a person dies in a hospital or is pronounced dead after arriving at a hospital,
11 the administrator or a designated employee shall make a reasonable search for a document of
12 gift or other information identifying the bearer as a donor or as an individual who has
13 refused to make an anatomical gift. The administrator or employee shall request a gift under
14 AS 13.50.010(b), unless the administrator or employee knows that the person has executed a gift.

1 Failure to make a reasonable search required under this subsection is not a basis for civil
2 or criminal liability but may be the basis for appropriate administrative sanctions under
3 regulations of the Department of Health and Social Services, the State Medical Board, or
4 private hospital accrediting organizations.

5 * Sec. 3. AS 13.50.016 is amended to read:

6 Sec. 13.50.016. INVESTIGATIONS BY LAW ENFORCEMENT AND MEDICAL
7 PERSONNEL. Law enforcement or medical personnel who respond to the scene of an accident
8 or emergency involving the death of a person shall make a reasonable search for a document
9 of gift or other information identifying the bearer as a donor or as an individual who has
10 refused to make an anatomical gift. If the law enforcement or medical personnel [AND
11 WHO] know that the person executed a gift, they shall inform appropriate hospital personnel of
12 the gift. Failure to make a reasonable search required under this subsection is not a basis
13 for civil or criminal liability but may be the basis for appropriate disciplinary sanctions.

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

15 (c) A hospital, physician, surgeon, technician, or other person who acts in good faith
16 in accordance with the terms of this chapter or the anatomical gift laws of another state or
17 country or attempts in good faith to do so is not liable for damages for the act or the attempt
18 in a civil action or subject to prosecution in a criminal proceeding for the act or the attempt.