

CS FOR SENATE BILL NO. 112 (JUDICIARY)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 4/3/91  
Referred: Rules

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 13.50.014(c) is amended to read:

6 (c) The commissioner of health and social services shall exempt from the requirements  
7 of (a) and (b) of this section a hospital that lacks the means to properly remove, store, or  
8 transport gifts. However, a hospital exempted under this subsection shall make reasonable  
9 efforts to contact a donor bank if a deceased person at the hospital has consented to an  
10 anatomical gift.

11 \* Sec. 4. AS 13.50.016 is amended to read:

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

20 \* Sec. 5. AS 13.50.016 is amended by adding a new subsection to read:

21 (b) The requirements of this section do not apply to law enforcement or medical  
22 personnel who respond to the scene of an accident or emergency in an area where all hospitals  
23 within a reasonable distance have been exempted under AS 13.50.014(c) from the requirements  
24 of AS 13.50.014.

25 \* Sec. 6. AS 13.50.060(c) is amended to read:

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