



LAWS OF ALASKA

1991

Source

CSSB 112(JUD)

Chapter No.

22

AN ACT

Relating to anatomical gifts.

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

THE ACT FOLLOWS ON PAGE 1

Approved by the Governor: June 10, 1991
Actual Effective Date: September 8, 1991

AN ACT

1 Relating to anatomical gifts.
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5 * Section 1. AS 13.50.010(d) is amended to read:

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

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

12 (a) When a person dies in a hospital or is pronounced dead after arriving at a hospital,
13 the administrator or a designated employee shall make a reasonable search for a document of
14 gift or other information identifying the bearer as a donor or as an individual who has
15 refused to make an anatomical gift. The administrator or employee shall request a gift under
16 AS 13.50.010(b), unless the administrator or employee knows that the person has executed a gift.
17 Failure to make a reasonable search required under this subsection is not a basis for civil
18 or criminal liability but may be the basis for appropriate administrative sanctions under
19 regulations of the Department of Health and Social Services, the State Medical Board, or
20 private hospital accrediting organizations.

21 * Sec. 3. AS 13.50.014(c) is amended to read:

Chapter 22

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

6 * Sec. 4. AS 13.50.016 is amended to read:

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

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

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

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

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