

SCS SB 1139 -- UNIFORM ANATOMICAL GIFT ACT AND CORONER DEATH INVESTIGATIONS

This bill changes the laws regarding investigation procedures for coroners and the Uniform Anatomical Gift Act. In its main provisions, the bill:

- (1) Establishes procedural requirements for coroners and jurisdiction priority when two counties are involved in the determination and investigation of a death;
- (2) Requires coroners and medical examiners to cooperate with a procurement organization to maximize the opportunity to recover anatomical gifts;
- (3) Specifies additional requirements for coroners and medical examiners to follow regarding anatomical gifts;
- (4) Requires the Department of Health and Senior Services to establish or contract for the establishment of a first person consent organ and tissue donor registry;
- (5) Specifies which documents are acceptable to make an anatomical gift;
- (6) Defines "anatomical gift" as a donation of all or part of a human body after death and specifies how an anatomical gift can be revoked;
- (7) Specifies the procedure under which an individual can refuse to make an anatomical gift;
- (8) Specifies who is authorized to make an anatomical gift of a deceased individual's body and to whom an anatomical gift can be made;
- (9) Allows law enforcement officers, emergency personnel, and hospital staff to search a deceased or near-death individual for documentation as a donor;
- (10) Specifies that, upon referral of a potential donor, a procurement organization will search a donor registry and other applicable records to determine if the individual has made an anatomical gift;
- (11) Allows a procurement organization to conduct a medical exam to ensure medical suitability of the donation;
- (12) Prohibits the attending physician at death or the physician who determines the time of death from participating in the

removal or transplantation of a body part of the deceased;

(13) Specifies that a person who knowingly purchases or sells a body part for transplantation will be guilty of a felony and subject to a fine of up to \$50,000, imprisonment not exceeding seven years, or both;

(14) Specifies that a person who knowingly falsifies, forges, conceals, defaces, or obliterates a document of gift, an amendment or revocation of a document of gift, or a refusal will be guilty of a felony and subject to a fine of up to \$50,000, imprisonment not exceeding seven years, or both;

(15) Requires the Department of Revenue to cooperate with a state-established donor registry; and

(16) Revises the order of priority for next-of-kin designations by giving first priority to determine and control the burial, cremation, or final disposition of the deceased person to an attorney-in-fact designated in a durable power of attorney that specifically grants the right of sepulcher. Currently, any designation of a grant of the right of sepulcher by the deceased is superseded by the rights of the deceased's spouse or other certain family members to choose the final disposition of the body.