

Nevada Uniform Anatomical Gift Act

Senate Bill No. 169–Senator Care

CHAPTER 232

AN ACT relating to anatomical gifts; adopting the Revised Uniform Anatomical Gift Act; providing penalties; and providing other matters properly relating thereto.

[Approved: May 31, 2007]

Legislative Counsel’s Digest:

Under existing law, Nevada has enacted the Uniform Anatomical Gift Act, which establishes the rights of donors and other authorized persons to affirmatively make anatomical gifts of human bodies and parts for the purpose of transplantation, therapy, research or education. The existing Uniform Act also sets forth various requirements and procedures for making, amending, revoking and refusing to make anatomical gifts. (NRS 451.500-451.590)

This bill replaces the existing Uniform Act with the Revised Uniform Anatomical Gift Act. This bill retains many of the provisions of the existing Uniform Act. However, this bill reorganizes and updates various provisions from the existing Uniform Act, and it adds certain new provisions to better facilitate the process of making anatomical gifts.

Section 22 of this bill revises the existing Uniform Act by expanding the persons who may make an anatomical gift to include an agent or guardian of a person under certain circumstances and an emancipated minor, a minor who applies for a driver’s license and the parents of an unemancipated minor under certain circumstances.

Section 23 of this bill revises the existing Uniform Act by expanding the methods for making an anatomical gift to include making an anatomical gift on a state-issued identification card, through a donor registry or, during a terminal illness or injury, through any oral or physical communication witnessed by at least two adults, at least one of whom is a disinterested witness.

Section 24 of this bill revises the existing Uniform Act by expanding the methods for amending and revoking an anatomical gift to include destroying or cancelling the record of the anatomical gift, or any part thereof, with the intent to revoke the gift and, during a terminal illness or injury, making any oral or physical communication witnessed by at least two adults, at least one of whom is a disinterested witness.

Section 25 of this bill revises the existing Uniform Act by updating and clarifying the provisions governing a person’s right to refuse to make an anatomical gift and the procedures a person must follow to amend or revoke such a refusal.

Section 34 of this bill amends the existing Uniform Act by adding a new prohibition which provides that a person who, in order to obtain a financial gain, intentionally falsifies, forges, conceals, defaces or obliterates a document making, amending or revoking an anatomical gift or refusing to make an anatomical gift is guilty of a category C felony.

Section 58 of this bill amends the existing Uniform Act by increasing the penalty from a category D felony to a category C felony for a person who unlawfully purchases or sells a body part for transplantation or therapy when the body part is intended for an anatomical gift.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 451 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 41, inclusive, of this act.

Sec. 2. "Adult" means a natural person who is at least 18 years of age.

Sec. 3. "Agent" means a natural person:

1. Authorized to make health-care decisions on the principal's behalf by a power of attorney for health care; or

2. Expressly authorized to make an anatomical gift on the principal's behalf by any other record signed by the principal.

Sec. 4. "Disinterested witness" means a witness other than the spouse, child, parent, sibling, grandchild, grandparent or guardian of the natural person who makes, amends, revokes or refuses to make an anatomical gift, or another adult who exhibited special care and concern for the natural person. The term does not include a person to which an anatomical gift could pass under section 29 of this act.

Sec. 5. "Donor registry" means a database that contains records of anatomical gifts and amendments to or revocations of anatomical gifts. The term includes, without limitation, a donor registry that has entered into a contract with the Department of Motor Vehicles pursuant to NRS 483.340 or 483.840.

Sec. 6. "Driver's license" means a license or permit issued by the Department of Motor Vehicles to operate a vehicle, whether or not conditions are attached to the license or permit.

Sec. 7. "Eye bank" means a person that is licensed, accredited or regulated under federal or state law to engage in the recovery, screening, testing, processing, storage or distribution of human eyes or portions of human eyes.

Sec. 8. "Guardian" means a person appointed by a court to make decisions regarding the support, care, education, health or welfare of a natural person. The term does not include a guardian ad litem.

Sec. 9. "Know" means to have actual knowledge.

Sec. 10. "Minor" means a natural person who is under 18 years of age.

Sec. 11. "Organ procurement organization" means a person designated by the Secretary of the United States Department of Health and Human Services as an organ procurement organization.

Sec. 12. "Parent" means a parent whose parental rights have not been terminated.

Sec. 13. "Prospective donor" means a natural person who is dead or near death and has been determined by a procurement organization to have a part that could be medically suitable for transplantation, therapy, research or education. The term does not include a natural person who has made a refusal.

Sec. 14. "Reasonably available" means able to be contacted by a procurement organization without undue effort and willing and able to act in a timely manner consistent with existing medical criteria necessary for the making of an anatomical gift.

Sec. 15. "Recipient" means a natural person into whose body a decedent's part has been or is intended to be transplanted.

Sec. 16. "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

Sec. 17. "Refusal" means a record created under section 25 of this act that expressly states an intent to bar other persons from making an anatomical gift of a natural person's body or part.

Sec. 18. "Sign" means, with the present intent to authenticate or adopt a record:

1. To execute or adopt a tangible symbol; or

2. To attach to or logically associate with the record an electronic symbol, sound or process.

Sec. 19. *“Tissue” means a portion of the human body other than an organ or an eye. The term does not include blood unless the blood is donated for the purpose of research or education.*

Sec. 20. *“Tissue bank” means a person that is licensed, accredited or regulated under federal or state law to engage in the recovery, screening, testing, processing, storage or distribution of tissue.*

Sec. 21. *“Transplant hospital” means a hospital that furnishes organ transplants and other medical and surgical specialty services required for the care of transplant patients.*

Sec. 22. *Subject to section 26 of this act, an anatomical gift of a donor’s body or part may be made during the life of the donor for the purpose of transplantation, therapy, research or education in the manner provided in section 23 of this act by:*

1. The donor, if the donor is an adult or if the donor is a minor and is:

(a) Emancipated; or

(b) Authorized under state law to apply for a driver’s license because the donor is at least 16 years of age;

2. An agent of the donor, unless the power of attorney for health care or other record prohibits the agent from making an anatomical gift;

3. A parent of the donor, if the donor is an unemancipated minor; or

4. The donor’s guardian.

Sec. 23. 1. *A donor may make an anatomical gift:*

(a) By authorizing a statement or symbol indicating that the donor has made an anatomical gift to be imprinted on the donor’s driver’s license or identification card;

(b) In a will;

(c) During a terminal illness or injury of the donor, by any form of communication addressed to at least two adults, at least one of whom is a disinterested witness; or

(d) As provided in subsection 2.

2. A donor or other person authorized to make an anatomical gift under section 22 of this act may make a gift by a donor card or other record signed by the donor or other person making the gift or by authorizing that a statement or symbol indicating that the donor has made an anatomical gift be included on a donor registry. If the donor or other person is physically unable to sign a record, the record may be signed by another natural person at the direction of the donor or other person and must:

(a) Be witnessed by at least two adults, at least one of whom is a disinterested witness, who have signed at the request of the donor or the other person; and

(b) State that it has been signed and witnessed as provided in paragraph (a).

3. Revocation, suspension, expiration or cancellation of a driver’s license or identification card upon which an anatomical gift is indicated does not invalidate the gift.

4. An anatomical gift made by will takes effect upon the donor’s death whether or not the will is probated. Invalidation of the will after the donor’s death does not invalidate the gift.

Sec. 24. 1. *Subject to section 26 of this act, a donor or other person authorized to make an anatomical gift under section 22 of this act may amend or revoke an anatomical gift by:*

(a) A record signed by:

(1) The donor;

(2) The other person; or

(3) Subject to subsection 2, another natural person acting at the direction of the donor or the other person if the donor or other person is physically unable to sign; or

(b) A later-executed document of gift that amends or revokes a previous anatomical gift or portion of an anatomical gift, either expressly or by inconsistency.

2. A record signed pursuant to subparagraph (3) of paragraph (a) of subsection 1 must:

(a) Be witnessed by at least two adults, at least one of whom is a disinterested witness, who have signed at the request of the donor or the other person; and

(b) State that it has been signed and witnessed as provided in paragraph (a).

3. Subject to section 26 of this act, a donor or other person authorized to make an anatomical gift under section 22 of this act may revoke an anatomical gift by the destruction or cancellation of the document of gift, or the portion of the document of gift used to make the gift, with the intent to revoke the gift.

4. A donor may amend or revoke an anatomical gift that was not made in a will by any form of communication during a terminal illness or injury addressed to at least two adults, at least one of whom is a disinterested witness.

5. A donor who makes an anatomical gift in a will may amend or revoke the gift in the manner provided for amendment or revocation of wills or as provided in subsection 1.

Sec. 25. 1. A natural person may refuse to make an anatomical gift of his body or part by:

(a) A record signed by:

(1) Him; or

(2) Subject to subsection 2, another natural person acting at his direction if he is physically unable to sign;

(b) His will, whether or not the will is admitted to probate or invalidated after his death; or

(c) Any form of communication made by him during his terminal illness or injury addressed to at least two adults, at least one of whom is a disinterested witness.

2. A record signed pursuant to subparagraph (2) of paragraph (a) of subsection 1 must:

(a) Be witnessed by at least two adults, at least one of whom is a disinterested witness, who have signed at the request of the natural person; and

(b) State that it has been signed and witnessed as provided in paragraph (a).

3. A natural person who has made a refusal may amend or revoke the refusal:

(a) In the manner provided in subsection 1 for making a refusal;

(b) By subsequently making an anatomical gift pursuant to section 23 of this act that is inconsistent with the refusal; or

(c) By destroying or cancelling the record evidencing the refusal, or the portion of the record used to make the refusal, with the intent to revoke the refusal.

4. Except as otherwise provided in subsection 8 of section 26 of this act, in the absence of an express, contrary indication by the natural person set forth in the refusal, a natural person's unrevoked refusal to make an anatomical gift of his body or part bars all other persons from making an anatomical gift of his body or part.

Sec. 26. 1. Except as otherwise provided in subsection 7 and subject to subsection 6, in the absence of an express, contrary indication by the donor, a person other than the donor is barred from making, amending or revoking an anatomical gift of a donor's body or part if the donor made an anatomical gift of the donor's body or part under section 23 of this act or an amendment to an anatomical gift of the donor's body or part under section 24 of this act.

2. A donor's revocation of an anatomical gift of the donor's body or part under section 24 of this act is not a refusal and does not bar another person specified in section 22 or 27 of this act from making an anatomical gift of the donor's body or part under section 23 or 28 of this act.

3. If a person other than the donor makes an unrevoked anatomical gift of the donor's body or part under section 23 of this act or an amendment to an anatomical gift of the donor's body or part under section 24 of this act, another person may not make, amend or revoke the gift of the donor's body or part under section 28 of this act.

4. A revocation of an anatomical gift of a donor's body or part under section 24 of this act by a person other than the donor does not bar another person from making an anatomical gift of the body or part under section 23 or 28 of this act.

5. *In the absence of an express, contrary indication by the donor or other person authorized to make an anatomical gift under section 22 of this act, an anatomical gift of a part is neither a refusal to give another part nor a limitation on the making of an anatomical gift of another part at a later time by the donor or another person.*

6. *In the absence of an express, contrary indication by the donor or other person authorized to make an anatomical gift under section 22 of this act, an anatomical gift of a part for one or more of the purposes set forth in section 22 of this act is not a limitation on the making of an anatomical gift of the part for any of the other purposes by the donor or any other person under section 23 or 28 of this act.*

7. *If a donor who is an unemancipated minor dies, a parent of the donor who is reasonably available may revoke or amend an anatomical gift of the donor's body or part.*

8. *If an unemancipated minor who signed a refusal dies, a parent of the minor who is reasonably available may revoke the minor's refusal.*

Sec. 27. 1. *Subject to subsections 2 and 3 and unless barred by section 25 or 26 of this act, an anatomical gift of a decedent's body or part for the purpose of transplantation, therapy, research or education may be made by any member of the following classes of persons who is reasonably available, in the order of priority listed:*

(a) An agent of the decedent at the time of death who could have made an anatomical gift under subsection 2 of section 22 of this act immediately before the decedent's death;

(b) The spouse of the decedent;

(c) Adult children of the decedent;

(d) Parents of the decedent;

(e) Adult siblings of the decedent;

(f) Adult grandchildren of the decedent;

(g) Grandparents of the decedent;

(h) An adult who exhibited special care and concern for the decedent;

(i) The persons who were acting as the guardians of the person of the decedent at the time of death; and

(j) Any other person having the authority to dispose of the decedent's body.

2. *If there is more than one member of a class listed in paragraphs (a), (c), (d), (e), (f), (g) or (i) of subsection 1 entitled to make an anatomical gift, an anatomical gift may be made by a member of the class unless that member or a person to which the gift may pass under section 29 of this act knows of an objection by another member of the class. If an objection is known, the gift may be made only by a majority of the members of the class who are reasonably available.*

3. *A person may not make an anatomical gift if, at the time of the decedent's death, a person in a prior class under subsection 1 is reasonably available to make or to object to the making of an anatomical gift.*

Sec. 28. 1. *A person authorized to make an anatomical gift under section 27 of this act may make an anatomical gift by a document of gift signed by the person making the gift or by that person's oral communication that is electronically recorded or is contemporaneously reduced to a record and signed by the natural person receiving the oral communication.*

2. *Subject to subsection 3, an anatomical gift by a person authorized under section 27 of this act may be amended or revoked orally or in a record by any member of a prior class who is reasonably available. If more than one member of the prior class is reasonably available, the gift made by a person authorized under section 27 of this act may be:*

(a) Amended only if a majority of the reasonably available members agree to the amending of the gift; or

(b) Revoked only if a majority of the reasonably available members agree to the revoking of the gift or if they are equally divided as to whether to revoke the gift.

3. A revocation under subsection 2 is effective only if, before an incision has been made to remove a part from the donor's body or before invasive procedures have begun to prepare the recipient, the procurement organization, transplant hospital or physician or technician knows of the revocation.

Sec. 29. 1. An anatomical gift may be made to the following persons named in the document of gift:

(a) A hospital, accredited medical school, dental school, college, university, organ procurement organization or other appropriate person, for research or education;

(b) Subject to subsection 2, a natural person designated by the person making the anatomical gift if the natural person is the recipient of the part; or

(c) An eye bank or tissue bank.

2. If an anatomical gift to a natural person under paragraph (b) of subsection 1 is not medically suitable for transplantation into the natural person, the gift, in the absence of an express, contrary indication by the person making the gift:

(a) If it is medically suitable for transplantation or therapy for other natural persons, must be used for transplantation or therapy, and the gift passes in accordance with subsection 8.

(b) If it is not medically suitable for transplantation or therapy for other natural persons, may be used for research or education and, if so used, the gift passes to the appropriate procurement, research or educational organization or other appropriate person for research or education.

3. If an anatomical gift of one or more specific parts or of all parts is made in a document of gift that does not name a person described in subsection 1 but identifies the purpose for which an anatomical gift may be used, the following rules apply:

(a) If the part is an eye and the gift is for the purpose of transplantation or therapy, the gift passes to the appropriate eye bank.

(b) If the part is tissue and the gift is for the purpose of transplantation or therapy, the gift passes to the appropriate tissue bank.

(c) If the part is an organ and the gift is for the purpose of transplantation or therapy, the gift passes to the appropriate organ procurement organization as custodian of the organ.

(d) If the part is an organ, an eye or tissue and the gift is for the purpose of research or education, the gift passes to the appropriate procurement, research or educational organization or other appropriate person for research or education.

4. For the purpose of subsection 3, if there is more than one purpose of an anatomical gift set forth in the document of gift but the purposes are not set forth in any priority, the gift, in the absence of an express, contrary indication by the person making the gift:

(a) If it is medically suitable for transplantation or therapy, must be used for transplantation or therapy, and the gift passes in accordance with paragraphs (a), (b) and (c) of subsection 3.

(b) If it is not medically suitable for transplantation or therapy, may be used for research or education and, if so used, the gift passes to the appropriate procurement, research or educational organization or other appropriate person for research or education.

5. If an anatomical gift of one or more specific parts is made in a document of gift that does not name a person described in subsection 1 and does not identify the purpose of the gift, the gift, in the absence of an express, contrary indication by the person making the gift:

(a) If it is medically suitable for transplantation or therapy, must be used for transplantation or therapy, and the gift passes in accordance with subsection 8.

(b) If it is not medically suitable for transplantation or therapy, may be used for research or education and, if so used, the gift passes to the appropriate procurement, research or educational organization or other appropriate person for research or education.

6. *If a document of gift specifies only a general intent to make an anatomical gift by words such as “donor” or “organ donor” or by a symbol or statement of similar import, the gift, in the absence of an express, contrary indication by the person making the gift:*

(a) If it is medically suitable for transplantation or therapy, must be used for transplantation or therapy, and the gift passes in accordance with subsection 8.

(b) If it is not medically suitable for transplantation or therapy, may be used for research or education and, if so used, the gift passes to the appropriate procurement, research or educational organization or other appropriate person for research or education.

7. *If a document of gift specifies only a general intent to make an anatomical gift by words such as “body donor” or by a symbol or statement of similar import, the gift, in the absence of an express, contrary indication by the person making the gift:*

(a) If any part is medically suitable for transplantation or therapy, must be used for transplantation or therapy, and the gift passes in accordance with subsection 8.

(b) If any part is not medically suitable for transplantation or therapy, may be used for research or education and, if so used, the gift passes to the appropriate procurement, research or educational organization or other appropriate person for research or education.

8. *For purposes of subsections 2, 5, 6 and 7, if an anatomical gift is medically suitable for transplantation or therapy, the following rules apply:*

(a) If the part is an eye, the gift passes to the appropriate eye bank.

(b) If the part is tissue, the gift passes to the appropriate tissue bank.

(c) If the part is an organ, the gift passes to the appropriate organ procurement organization as custodian of the organ.

9. *An anatomical gift of an organ for transplantation or therapy, other than an anatomical gift under paragraph (b) of subsection 1, passes to the organ procurement organization as custodian of the organ.*

10. *If an anatomical gift does not pass pursuant to subsections 1 to 9, inclusive, or the decedent’s body or part is not used for transplantation, therapy, research or education, custody of the body or part passes to the person under obligation to dispose of the body or part.*

11. *A person may not accept an anatomical gift if the person knows that the gift was not effectively made under section 23 or 28 of this act or if the person knows that the decedent made a refusal under section 25 of this act that was not revoked. For purposes of this subsection, if a person knows that an anatomical gift was made on a document of gift, the person is deemed to know of any amendment or revocation of the gift or any refusal to make an anatomical gift on the same document of gift.*

12. *Except as otherwise provided in paragraph (b) of subsection 1, nothing in NRS 451.500 to 451.590, inclusive, and sections 2 to 41, inclusive, of this act affects the allocation of organs for transplantation or therapy.*

Sec. 30. 1. *The following persons shall make a reasonable search of a natural person who the person reasonably believes is dead or near death for a document of gift or other information identifying the natural person as a donor or as a natural person who made a refusal:*

(a) A law enforcement officer, firefighter, paramedic or other emergency rescuer finding the natural person; and

(b) If no other source of the information is immediately available, a hospital, as soon as practical after the natural person’s arrival at the hospital.

2. *If a document of gift or a refusal to make an anatomical gift is located by the search required by paragraph (a) of subsection 1 and the natural person or deceased natural person to whom it relates is taken to a hospital, the person responsible for conducting the search shall send the document of gift or refusal to the hospital.*

3. A person is not subject to criminal or civil liability for failing to discharge the duties imposed by this section but may be subject to administrative sanctions.

Sec. 31. 1. A document of gift need not be delivered during the donor's lifetime to be effective.

2. Upon or after a natural person's death, a person in possession of a document of gift or a refusal to make an anatomical gift with respect to the natural person shall allow examination and copying of the document of gift or refusal by a person authorized to make or object to the making of an anatomical gift with respect to the natural person or by a person to which the gift could pass under section 29 of this act.

Sec. 32. 1. When a hospital refers a natural person at or near death to a procurement organization, the organization shall make a reasonable search of the records of any donor registry that it knows exists for the geographical area in which the natural person resides to ascertain whether the natural person has made an anatomical gift.

2. When a hospital refers a natural person at or near death to a procurement organization, the organization may conduct any reasonable examination necessary to ensure the medical suitability of a part that is or could be the subject of an anatomical gift for transplantation, therapy, research or education from a donor or a prospective donor. During the examination period, measures necessary to ensure the medical suitability of the part may not be withdrawn unless the hospital or procurement organization knows that the natural person expressed a contrary intent.

3. Unless prohibited by law other than NRS 451.500 to 451.590, inclusive, and sections 2 to 41, inclusive, of this act, at any time after a donor's death, the person to which a part passes under section 29 of this act may conduct any reasonable examination necessary to ensure the medical suitability of the body or part for its intended purpose.

4. Unless prohibited by law other than NRS 451.500 to 451.590, inclusive, and sections 2 to 41, inclusive, of this act, an examination under subsection 2 or 3 may include an examination of all medical and dental records of the donor or prospective donor.

5. Upon the death of a minor who was a donor or had signed a refusal, unless a procurement organization knows the minor is emancipated, the procurement organization shall conduct a reasonable search for the parents of the minor and provide the parents with an opportunity to revoke or amend the anatomical gift or revoke the refusal.

6. Upon referral by a hospital under subsection 1, a procurement organization shall make a reasonable search for any person listed in section 27 of this act having priority to make an anatomical gift on behalf of a prospective donor. If a procurement organization receives information that an anatomical gift to any other person was made, amended or revoked, it shall promptly advise the other person of all relevant information.

7. Subject to subsection 10 of section 29 and section 40 of this act, the rights of the person to which a part passes under section 29 of this act are superior to the rights of all others with respect to the part. The person may accept or reject an anatomical gift in whole or in part. Subject to the terms of the document of gift and NRS 451.500 to 451.590, inclusive, and sections 2 to 41, inclusive, of this act, a person that accepts an anatomical gift of an entire body may allow embalming, burial or cremation, and use of remains in a funeral service. If the gift is of a part, the person to which the part passes under section 29 of this act, upon the death of the donor and before embalming, burial or cremation, shall cause the part to be removed without unnecessary mutilation.

8. Neither the physician who attends the decedent at death nor the physician who determines the time of the decedent's death may participate in the procedures for removing or transplanting a part from the decedent.

9. A physician or technician may remove a donated part from the body of a donor that the physician or technician is qualified to remove.

10. In the absence of an express, contrary indication by the donor or other person authorized to make an anatomical gift, if an anatomical gift of a part has been made for the purpose of transplantation or therapy and the part is medically suitable for that purpose, the appropriate procurement organization shall discuss with a person authorized to make an anatomical gift under section 22 of this act the person's willingness to make an anatomical gift of any other part for the purpose of research or education.

Sec. 33. Each hospital in this State shall enter into agreements or affiliations with procurement organizations for coordination of procurement and use of anatomical gifts.

Sec. 34. 1. A person shall not, in order to obtain a financial gain, intentionally falsify, forge, conceal, deface or obliterate a document of gift, an amendment or revocation of a document of gift or a refusal.

2. A person who violates this section is guilty of a category C felony and shall be punished as provided in NRS 193.130, or by a fine of not more than \$50,000, or by both fine and the punishment provided in NRS 193.130.

Sec. 35. 1. A person that acts in accordance with NRS 451.500 to 451.590, inclusive, and sections 2 to 41, inclusive, of this act, or with the applicable anatomical gift law of another state, or attempts in good faith to do so, is not liable for the act in a civil action, criminal prosecution or administrative proceeding.

2. Neither the person making an anatomical gift nor the donor's estate is liable for any injury or damage that results from the making or use of the gift.

3. In determining whether an anatomical gift has been made, amended or revoked under NRS 451.500 to 451.590, inclusive, and sections 2 to 41, inclusive, of this act, a person may rely upon representations of a natural person listed in paragraphs (b), (c), (d), (e), (f), (g) or (h) of subsection 1 of section 27 of this act relating to the natural person's relationship to the donor or prospective donor unless the person knows that the representation is untrue.

Sec. 36. 1. A document of gift is valid if executed in accordance with:

(a) The provisions of NRS 451.500 to 451.590, inclusive, and sections 2 to 41, inclusive, of this act;

(b) The laws of the state or country where it was executed; or

(c) The laws of the state or country where the person making the anatomical gift was domiciled, has a place of residence or was a national at the time the document of gift was executed.

2. If a document of gift is valid under this section, the law of this State governs the interpretation of the document of gift.

3. A person may presume that a document of gift or amendment of an anatomical gift is valid unless that person knows that it was not validly executed or was revoked.

Sec. 37. 1. A person shall not create or maintain a donor registry unless the donor registry complies with the provisions of NRS 451.500 to 451.590, inclusive, and sections 2 to 41, inclusive, of this act and all other applicable provisions of federal and state law.

2. A donor registry must:

(a) Allow a donor or other person authorized under section 22 of this act to include on the donor registry a statement or symbol that the donor has made, amended or revoked an anatomical gift;

(b) Be accessible to a procurement organization to allow it to obtain relevant information on the donor registry to determine, at or near death of the donor or a prospective donor, whether the donor or prospective donor has made, amended or revoked an anatomical gift; and

(c) Be accessible for purposes of paragraphs (a) and (b) 7 days a week on a 24-hour basis.

3. Personally identifiable information on a donor registry about a donor or prospective donor may not be used or disclosed without the express consent of the donor, prospective

donor or person that made the anatomical gift for any purpose other than to determine, at or near death of the donor or prospective donor, whether the donor or prospective donor has made, amended or revoked an anatomical gift.

4. This section does not apply to a donor registry that is created to contain records of anatomical gifts and amendments to or revocations of anatomical gifts of only the whole body of a donor for the purpose of research or education.

Sec. 38. 1. *As used in this section:*

(a) "Advance health-care directive" means a power of attorney for health care or other record signed by a prospective donor, or executed in the manner set forth in NRS 449.840, containing the prospective donor's direction concerning a health-care decision for the prospective donor.

(b) "Declaration" means a record signed by a prospective donor, or executed as set forth in NRS 449.600, specifying the circumstances under which life-sustaining treatment may be withheld or withdrawn from the prospective donor.

(c) "Health-care decision" means any decision made regarding the health care of the prospective donor.

2. If a prospective donor has a declaration or advance health-care directive and the terms of the declaration or advance health-care directive and the express or implied terms of the potential anatomical gift are in conflict concerning the administration of measures necessary to ensure the medical suitability of a part for transplantation or therapy:

(a) The attending physician of the prospective donor shall confer with the prospective donor to resolve the conflict or, if the prospective donor is incapable of resolving the conflict, with:

(1) An agent acting under the declaration or advance health-care directive of the prospective donor; or

(2) If an agent is not named in the declaration or advance health-care directive or the agent is not reasonably available, any other person authorized by law, other than by a provision of sections 2 to 41, inclusive, of this act, to make a health-care decision for the prospective donor.

(b) The conflict must be resolved as expeditiously as practicable.

(c) Information relevant to the resolution of the conflict may be obtained from the appropriate procurement organization and any other person authorized to make an anatomical gift of the prospective donor's body or part under section 22 of this act.

(d) Before the resolution of the conflict, measures necessary to ensure the medical suitability of the part may not be withheld or withdrawn from the prospective donor, if withholding or withdrawing the measures is not medically contraindicated for the appropriate treatment of the prospective donor at the end of his life.

Sec. 39. 1. *A coroner shall cooperate with procurement organizations to maximize the opportunity to recover anatomical gifts for the purpose of transplantation, therapy, research or education.*

2. If a coroner receives notice from a procurement organization that an anatomical gift might be available or was made with respect to a decedent whose body is under the jurisdiction of the coroner and a postmortem examination is going to be performed, unless the coroner denies recovery in accordance with section 40 of this act, the coroner or designee shall conduct a postmortem examination of the body or the part in a manner and within a period compatible with its preservation for the purposes of the gift.

3. A part may not be removed from the body of a decedent under the jurisdiction of a coroner for transplantation, therapy, research or education unless the part is the subject of an anatomical gift or such removal is authorized or required by other law. The body of a decedent under the jurisdiction of the coroner may not be delivered to a person for research or education unless the body is the subject of an anatomical gift or such delivery is authorized or

required by NRS 451.350 to 451.470, inclusive, or other law. This subsection does not preclude a coroner from performing the medicolegal investigation upon the body or parts of a decedent under the jurisdiction of the coroner.

Sec. 40. 1. Upon request of a procurement organization, a coroner shall release to the procurement organization the name, contact information and available medical and social history of a decedent whose body is under the jurisdiction of the coroner. If the decedent's body or part is medically suitable for transplantation, therapy, research or education, the coroner shall release postmortem examination results to the procurement organization. The procurement organization may make a subsequent disclosure of the postmortem examination results or other information received from the coroner only if relevant to transplantation or therapy.

2. The coroner may conduct a medicolegal examination by reviewing all medical records, laboratory test results, X rays, other diagnostic results and other information that any person possesses about a donor or prospective donor whose body is under the jurisdiction of the coroner which the coroner determines may be relevant to the investigation.

3. A person that has any information requested by a coroner pursuant to subsection 2 shall provide that information as expeditiously as possible to allow the coroner to conduct the medicolegal investigation within a period compatible with the preservation of parts for the purpose of transplantation, therapy, research or education.

4. If an anatomical gift has been or might be made of a part of a decedent whose body is under the jurisdiction of the coroner and a postmortem examination is not required, or the coroner determines that a postmortem examination is required but that the recovery of the part that is the subject of an anatomical gift will not interfere with the examination, the coroner and procurement organization shall cooperate in the timely removal of the part from the decedent for the purpose of transplantation, therapy, research or education.

5. If an anatomical gift of a part from the decedent under the jurisdiction of the coroner has been or might be made, but the coroner or designee initially believes that the recovery of the part could interfere with the postmortem investigation into the decedent's cause or manner of death, the coroner or designee shall consult with the procurement organization or the physician or technician designated by the procurement organization to remove the part about the proposed recovery. After consultation, the coroner or designee may allow the recovery by the procurement organization to proceed and may attend and witness all procedures before, during and after removal of the part.

6. Following the consultation under subsection 5, if the coroner or designee still intends to deny recovery, the coroner or designee, at the request of the procurement organization, shall consult additionally with the physician or technician designated by the procurement organization to remove the part before making a final determination not to allow the procurement organization to recover the part. The additional consultation must be based on the protocols developed pursuant to subsection 10 to resolve conflicts and to maximize the recovery of parts for the purpose of transplantation or therapy, except that the coroner retains the right to deny recovery based on clear need for the postmortem examination, including, without limitation, preservation of the part. After such additional consultation, the coroner or designee may:

(a) Allow recovery by the procurement organization to proceed and may attend and witness all procedures before, during and after removal of the part; or

(b) If the coroner or designee reasonably believes that the part may be involved in determining the decedent's cause or manner of death, deny recovery by the procurement organization.

7. If the coroner or designee denies recovery under subsection 6:

(a) The coroner or designee shall:

(1) Document in a record the specific reasons for not allowing recovery of the part;
(2) Include the specific reasons in the records of the coroner; and
(3) Share such records, including, without limitation, the specific reasons documented by the coroner or designee for not allowing recovery of the part, with the procurement organization in the interest of improving the protocols developed pursuant to subsection 10; and

(b) The procurement organization shall include in its records the specific reasons documented by the coroner or designee for not allowing recovery of the part.

8. If the coroner or designee allows recovery of a part under subsection 4, 5 or 6, the procurement organization, upon request, shall cause the physician or technician who removes the part to provide the coroner, in a timely manner, with a record describing the condition of the part, a biopsy, a photograph and any other information and observations that would assist in the postmortem examination.

9. If a coroner or designee elects to attend and witness a removal procedure under subsection 5 or 6, the procurement organization requesting the recovery of the part shall, upon request by the coroner or designee, reimburse the coroner or designee for the additional costs incurred in attending and witnessing the removal procedure.

10. For purposes of subsection 6, the coroner and the procurement organization shall develop mutually agreed-upon protocols to resolve conflicts between the coroner and the procurement organization regarding the recovery of parts. The protocols:

(a) Must focus on maximizing the recovery of parts for the purpose of transplantation or therapy;

(b) Must allow the coroner the right to deny recovery of a part where recovery of the part could interfere with the postmortem investigation into the decedent's cause or manner of death; and

(c) May include, without limitation, requirements and procedures concerning:

(1) Consultations and cooperation between the coroner or designee and the physician or technician designated by the procurement organization to remove the part;

(2) The taking of photographs before, during and after removal of the part;

(3) Video recording the removal procedure; and

(4) The taking of tissue samples from the part and the conducting of biopsies, testing or other examinations of the part.

Sec. 41. *NRS 451.500 to 451.590, inclusive, and sections 2 to 41, inclusive, of this act modify, limit and supersede the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §§ 7001 et seq., but do not modify, limit or supersede Section 101(a) of that Act, 15 U.S.C. § 7001(a), or authorize electronic delivery of any of the notices described in Section 103(b) of that Act, 15 U.S.C. § 7003(b).*

Sec. 42. **NRS 451.010** is hereby amended to read as follows:

451.010 1. The right to dissect the dead body of a human being is limited to cases:

(a) Specially provided by statute or by the direction or will of the deceased.

(b) Where a coroner is authorized under NRS 259.050 or an ordinance enacted pursuant to NRS 244.163 to hold an inquest upon the body, and then only as he may authorize dissection.

(c) Where the husband, wife or next of kin charged by law with the duty of burial authorize dissection for the purpose of ascertaining the cause of death, and then only to the extent so authorized.

(d) Where authorized by the provisions of NRS 451.350 to 451.470, inclusive.

(e) Where authorized by the provisions of NRS 451.500 to 451.590, inclusive, **and sections 2 to 41, inclusive, of this act.**

2. Every person who makes, causes or procures to be made any dissection of the body of a human being, except as provided in subsection 1, is guilty of a gross misdemeanor.

Sec. 43. NRS 451.500 is hereby amended to read as follows:

451.500 NRS 451.500 to 451.590, inclusive, *and sections 2 to 41, inclusive, of this act* may be cited as the *Revised* Uniform Anatomical Gift Act.

Sec. 44. NRS 451.503 is hereby amended to read as follows:

451.503 NRS 451.500 to 451.590, inclusive, *and sections 2 to 41, inclusive, of this act* apply an anatomical gift *or amendment to, revocation of or refusal to make* an anatomical gift, *whenever made*.

Sec. 45. NRS 451.505 is hereby amended to read as follows:

451.505 *In applying and construing the Revised Uniform Anatomical Gift Act, consideration* must be *given to the need to promote uniformity of* the law with respect to *its subject matter* among states *that enact* it.

Sec. 46. NRS 451.510 is hereby amended to read as follows:

451.510 *As* used in NRS 451.500 to 451.590, inclusive, *and sections 2 to 41, inclusive, of this act, unless the context otherwise requires,* the words and terms defined in NRS 451.513 to 451.553, inclusive, *and sections 2 to 21, inclusive, of this act* have the meanings ascribed to them in those sections.

Sec. 47. NRS 451.513 is hereby amended to read as follows:

451.513 “Anatomical gift” means a donation of all or part of a human body to take effect *after the donor’s death for the purpose of transplantation, therapy, research or education*.

Sec. 48. NRS 451.520 is hereby amended to read as follows:

451.520 “Decedent” means a deceased *natural* person *whose body or part is or may be the source of an anatomical gift. The term* includes a stillborn infant *and, subject to restrictions imposed by law other than NRS 451.500 to 451.590, inclusive, and sections 2 to 41, inclusive, of this act, a* fetus.

Sec. 49. NRS 451.523 is hereby amended to read as follows:

451.523 “Document of gift” means a *donor* card or other *record* used to make an anatomical gift. *The term includes a statement or symbol on a driver’s license, identification card or donor registry*.

Sec. 50. NRS 451.525 is hereby amended to read as follows:

451.525 “Donor” means a *natural* person *whose body or part is the subject of* an anatomical gift.

Sec. 51. NRS 451.530 is hereby amended to read as follows:

451.530 “Hospital” means a facility licensed as a hospital under the laws of *any state* or a facility operated as a hospital by the United States, *a state* or a subdivision of *a state*.

Sec. 52. NRS 451.535 is hereby amended to read as follows:

451.535 “Part” means an organ, *an eye or any tissue* of a human *being. The term does not include the whole body*.

Sec. 53. NRS 451.540 is hereby amended to read as follows:

451.540 “Person” *means a natural person, corporation, business trust, estate, trust, partnership, limited-liability company, association, joint venture, public corporation,* government *or* governmental *subdivision,* agency *or instrumentality, or any other legal or commercial entity*.

Sec. 54. NRS 451.545 is hereby amended to read as follows:

451.545 “Physician” means a *natural* person authorized to practice medicine or osteopathy under the laws of any state.

Sec. 55. NRS 451.547 is hereby amended to read as follows:

451.547 “Procurement organization” means *an eye bank, organ procurement organization or tissue bank*.

Sec. 56. NRS 451.550 is hereby amended to read as follows:

451.550 "State" means a state of the United States, the District of Columbia, Puerto Rico, *the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States.*

Sec. 57. NRS 451.553 is hereby amended to read as follows:

451.553 "Technician" means a *natural* person *determined to be qualified to remove or process parts by an appropriate organization that is licensed, accredited or regulated under federal or state law. The term includes an enucleator.*

Sec. 58. NRS 451.590 is hereby amended to read as follows:

451.590 1. *Except as otherwise provided in subsection 2, a* person shall not knowingly, for valuable consideration, purchase or sell a part *of a natural person* for transplantation or therapy *if removal of the part from the natural person is or was intended to occur after the natural person's death.*

2. A person may charge a reasonable amount for the removal, processing, preservation, quality control, storage, transportation, implantation *or disposal* of a part.

3. A person who violates this section is guilty of a category *C* felony and shall be punished as provided in NRS 193.130, or by a fine of not more than \$50,000, or by both fine and the punishment provided in NRS 193.130.

Sec. 59. NRS 483.340 is hereby amended to read as follows:

483.340 1. The Department shall, upon payment of the required fee, issue to every qualified applicant a driver's license indicating the type or class of vehicles the licensee may drive. The license must bear a unique number assigned to the licensee pursuant to NRS 483.345, the licensee's social security number, if he has one, unless he requests that it not appear on the license, the name, date of birth, mailing address and a brief description of the licensee, and a space upon which the licensee shall write his usual signature in ink immediately upon receipt of the license. A license is not valid until it has been so signed by the licensee.

2. The Department may issue a driver's license for purposes of identification only for use by officers of local police and sheriffs' departments, agents of the Investigation Division of the Department of Public Safety while engaged in special undercover investigations relating to narcotics or prostitution or for other undercover investigations requiring the establishment of a fictitious identity, federal agents while engaged in undercover investigations, investigators employed by the Attorney General while engaged in undercover investigations and agents of the State Gaming Control Board while engaged in investigations pursuant to NRS 463.140. An application for such a license must be made through the head of the police or sheriff's department, the Chief of the Investigation Division of the Department of Public Safety, the director of the appropriate federal agency, the Attorney General or the Chairman of the State Gaming Control Board. Such a license is exempt from the fees required by NRS 483.410. The Department, by regulation, shall provide for the cancellation of any such driver's license upon the completion of the special investigation for which it was issued.

3. Information pertaining to the issuance of a driver's license pursuant to subsection 2 is confidential.

4. It is unlawful for any person to use a driver's license issued pursuant to subsection 2 for any purpose other than the special investigation for which it was issued.

5. At the time of the issuance or renewal of the driver's license, the Department shall:

(a) Give the holder the opportunity to have indicated on his driver's license that he wishes to be a donor of all or part of his body pursuant to NRS 451.500 to 451.590, inclusive, *and sections 2 to 41, inclusive, of this act* or to refuse to make an anatomical gift of his body or part of his body.

(b) Give the holder the opportunity to have indicated whether he wishes to donate \$1 or more to the Anatomical Gift Account created by NRS 460.150.

(c) Provide to each holder who is interested in becoming a donor information relating to anatomical gifts, including the procedure for registering as a donor with the donor registry with

which the Department has entered into a contract pursuant to this paragraph. To carry out this paragraph, the Department shall, on such terms as it deems appropriate, enter into a contract *a donor registry that is in compliance with the provisions of NRS 451.500 to 451.590, inclusive, and sections 2 to 41, inclusive, of this act.*

(d) If the Department has established a program for imprinting a symbol or other indicator of a medical condition on a driver's license pursuant to NRS 483.3485, give the holder the opportunity to have a symbol or other indicator of a medical condition imprinted on his driver's license.

6. If the holder wishes to make a donation to the Anatomical Gift Account, the Department shall collect the donation and deposit the money collected in the State Treasury for credit to the Anatomical Gift Account.

7. The Department shall submit to the donor registry with which the Department has entered into a contract pursuant to paragraph (c) of subsection 5 information from the records of the Department relating to persons who have drivers' licenses that indicate the intention of those persons to make an anatomical gift. The Department shall adopt regulations to carry out the provisions of this subsection.

Sec. 60. NRS 483.840 is hereby amended to read as follows:

483.840 1. The form of the identification cards must be similar to that of drivers' licenses but distinguishable in color or otherwise.

2. Identification cards do not authorize the operation of any motor vehicles.

3. Identification cards must include the following information concerning the holder:

(a) The name and sample signature of the holder.

(b) A unique identification number assigned to the holder that is not based on the holder's social security number.

(c) A personal description of the holder.

(d) The date of birth of the holder.

(e) The current address of the holder in this State.

(f) A colored photograph of the holder.

4. The information required to be included on the identification card pursuant to subsection 3 must be placed on the card in the manner specified in subsection 1 of NRS 483.347.

5. At the time of the issuance or renewal of the identification card, the Department shall:

(a) Give the holder the opportunity to have indicated on his identification card that he wishes to be a donor of all or part of his body pursuant to NRS 451.500 to 451.590, inclusive, *and sections 2 to 41, inclusive, of this act* or to refuse to make an anatomical gift of his body or part of his body.

(b) Give the holder the opportunity to indicate whether he wishes to donate \$1 or more to the Anatomical Gift Account created by NRS 460.150.

(c) Provide to each holder who is interested in becoming a donor information relating to anatomical gifts, including the procedure for registering as a donor with the donor registry with which the Department has entered into a contract pursuant to this paragraph. To carry out this paragraph, the Department shall, on such terms as it deems appropriate, enter into a contract with *a donor registry that is in compliance with the provisions of NRS 451.500 to 451.590, inclusive, and sections 2 to 41, inclusive, of this act.*

(d) If the Department has established a program for imprinting a symbol or other indicator of a medical condition on an identification card pursuant to NRS 483.863, give the holder the opportunity to have a symbol or other indicator of a medical condition imprinted on his identification card.

6. If the holder wishes to make a donation to the Anatomical Gift Account, the Department shall collect the donation and deposit the money collected in the State Treasury for credit to the Anatomical Gift Account.

7. The Department shall submit to the donor registry with which the Department has entered into a contract pursuant to paragraph (c) subsection 5 information from the records of the

Department relating to persons who have identification cards issued by the Department that indicate the intention of those persons to make an anatomical gift. The Department shall adopt regulations to carry out the provisions of this subsection.

8. As used in this section, "photograph" has the meaning ascribed to it in NRS 483.125.

Sec. 61. NRS 451.527, 451.555, 451.557, 451.560, 451.570, 451.573, 451.576, 451.577, 451.580, 451.582, 451.583 and 451.585 are hereby repealed.