

ENROLLED HOUSE
BILL NO. 1183

By: Wright, Reese, Winchester,
Calvey and Peterson of the
House

and

Milacek of the Senate

An Act relating to public health and safety; amending 63 O.S. 1991, Sections 2203, 2214 and 2217, which relate to anatomical gifts; authorizing anatomical gifts be donated in spite of contrary intent by certain persons; clarifying language; prohibiting persons from interfering with the right of another to make an anatomical gift; providing immunity from certain actions; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 63 O.S. 1991, Section 2203, is amended to read as follows:

Section 2203. ~~1.~~ A. Any adult of sound mind may give all or any part of his body for any purpose specified in Section 2204 of this title, the gift to take effect upon death. The wishes of the deceased, as evidenced by the advance directive, driver license designation or a will shall take precedence over the wishes of the family.

~~2.~~ B. Any of the following persons, in order of priority stated, when persons in prior classes are not available at the time of death, and in the absence of actual notice of contrary indications by the decedent or actual notice of opposition by a member of the same or a prior class, may give all or any part of the decedent's body for any purpose specified in Section 2204 of this title:

~~a.~~ the

1. The spouse~~i~~

~~b.~~ an

2. An adult son or daughter~~i~~

~~c.~~ either

3. Either parent~~i~~

~~d.~~ an

4. An adult brother or sister~~;~~

~~e. a~~

5. A guardian of the person of the decedent at the time of his death~~;~~ or

~~f. any~~

6. Any other person authorized or under obligation to dispose of the body.

~~3. C.~~ If the donee has actual notice of contrary indications by the decedent or that a gift by a member of a class is opposed by a member of the same or a prior class, the donee shall not accept the gift. The persons authorized by subsection ~~2~~ B of this section may make the gift after or immediately before the decedent's death.

~~4. D.~~ A gift of all or part of a body authorizes any examination necessary to assure medical acceptability of the gift for the purposes intended.

~~5. E.~~ The rights of the donee created by the gift are paramount to the rights of others except as provided by subsection (d) of Section 2208~~(d) 2208~~ of this title.

SECTION 2. AMENDATORY 63 O.S. 1991, Section 2214, is amended to read as follows:

Section 2214. A. When death occurs in a general hospital as defined by Section 1-701 of ~~Title 63 of the Oklahoma Statutes~~ this title, to a person determined to be a suitable candidate for organ or tissue donation based on accepted medical standards, the hospital administrator or designated representative shall request the appropriate person described in ~~paragraph 2 subsection B of Section 2203 of Title 63 of the Oklahoma Statutes~~ this title to consent to the gift of any part of the body of the decedent as an anatomical gift.

B. No request shall be required, pursuant to this section, when the hospital administrator or designated representative has actual notice of contrary intention by the decedent or those persons described in ~~paragraph 2 subsection B of Section 2203 of Title 63 of the Oklahoma Statutes~~ this title according to the order of priority stated therein, or reason to believe that an anatomical gift is contrary to the religious beliefs of the decedent.

C. Upon consent of the appropriate person specified in ~~paragraph 2 subsection B of Section 2203 of Title 63 of the Oklahoma Statutes~~ this title, the hospital administrator or designated representative shall notify an appropriate organ or tissue bank, or retrieval organization and cooperate in the procurement of the anatomical gift pursuant to the Uniform Anatomical Gift Act.

D. The person consenting to the request for the anatomical gift may give such consent in person or by telephone, telegraph or other appropriate means pursuant to procedures established by rules ~~and regulations~~ of the State Board of Health.

E. The consent provided for in this section is unnecessary if the decedent has a donor card or other document consenting to an anatomical gift.

SECTION 3. AMENDATORY 63 O.S. 1991, Section 2217, is amended to read as follows:

Section 2217. No additional civil liability shall be created as a result of the duties imposed by ~~this act~~ the Uniform Anatomical Gift Act. No person shall be held civilly liable for following the provisions of the Uniform Anatomical Gift Act.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 14th day of March, 2001.

Presiding Officer of the House of
Representatives

Passed the Senate the 4th day of April, 2001.

Presiding Officer of the Senate