

SB 1643

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THE STATE SENATE
Wednesday, February 22, 2006

Senate Bill No. 1643
As Amended

SENATE BILL NO. 1643 - By: JOHNSON (Constance) of the Senate and
TERRILL of the House.

An Act relating to public health and safety; amending 63
O.S. 2001, Sections 2203, as amended by Section 1, Chapter
176, O.S.L. 2003, and 2212 (63 O.S. Supp. 2005, Section
2203), which relate to anatomical gifts; clarifying
language; expanding language to include eye and tissue
donation; providing legislative intent; authorizing the
Office of the Chief Medical Examiner to refer certain deaths
to specified organization; providing for codification; and
providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 2001, Section 2203, as
amended by Section 1, Chapter 176, O.S.L. 2003 (63 O.S. Supp. 2005,
Section 2203), is amended to read as follows:

Section 2203. A. Any adult of sound mind may give all or any
part of his or her 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 donor registration in the form of an
advance directive, a driver license designation, a donor card, a
state identification card, an ~~en-line~~ online or other ~~organ~~ donor
~~enrollment~~ registry enrollment form, or a will shall take precedence
over the wishes of the family.

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

- 7 1. The spouse;
- 8 2. An adult son or daughter;
- 9 3. Either parent;
- 10 4. An adult brother or sister;
- 11 5. A guardian of the person of the decedent at the time of
12 death; or
- 13 6. Any other person authorized or under obligation to dispose
14 of the body.

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

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

1 E. The rights of the donee created by the gift are paramount to
2 the rights of others except as provided by subsection (d) of Section
3 2208 of this title.

4 SECTION 2. AMENDATORY 63 O.S. 2001, Section 2212, is
5 amended to read as follows:

6 Section 2212. In any death that the Office of the Chief Medical
7 Examiner of the State of Oklahoma is required by law to investigate,
8 a medical examiner may authorize the removal of organs, eyes or
9 tissues from the deceased for donation to a suitable donee pursuant
10 to the provisions of the Uniform Anatomical Gift Act if the next of
11 kin of the deceased has been consulted and consents to ~~said~~ the
12 removal and donation in accordance with the provisions of Section
13 2203 of this title. It is the intent of the Oklahoma Legislature
14 that, if the removal of ~~an organ or~~ organs, eyes or tissues for
15 transplant, research or other medical purpose will not interfere
16 with the subsequent course of an investigation or autopsy, and if
17 the next of kin of the deceased has been consulted and consents to
18 ~~said~~ such removal and donation in accordance with the provisions of
19 Section 2203 of this title, the Chief Medical Examiner, county
20 medical examiner or any person authorized by law to conduct an
21 autopsy shall authorize the removal of organs, eyes or tissues from
22 the deceased for donation to a suitable donee pursuant to the
23 provisions of the Uniform Anatomical Gift Act. In such cases where

1 the deceased ~~has an organ donor card~~ is a registered donor, the
2 consent from next of kin shall not be required.

3 SECTION 3. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 2215.1 of Title 63, unless there
5 is created a duplication in numbering, reads as follows:

6 A. It is the intent of the Oklahoma Legislature that all
7 organs, eyes and tissues deemed medically suitable for
8 transplantation be made available to those in need **pursuant to**
9 **Section 2 of this act.**

10 B. The Office of the Chief Medical Examiner is authorized to
11 refer all nonhospital deaths to the certified and federally
12 designated Organ Procurement Organization for the purposes of
13 determining medical suitability of the deceased as an organ, eye or
14 tissue donor.

15 SECTION 4. This act shall become effective November 1, 2006.

16 COMMITTEE REPORT BY: COMMITTEE ON HEALTH & HUMAN RESOURCES, dated
17 2-9-06 - DO PASS, As Amended and Coauthored.