

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

SENATE BILL 1643

By: Johnson (Constance)

AS INTRODUCED

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 ~~on-line~~ online or other ~~organ~~ donor ~~enrollment~~ registry enrollment form, or a will shall take precedence over the wishes of the family.

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:

1. The spouse;

2. An adult son or daughter;
3. Either parent;
4. An adult brother or sister;
5. A guardian of the person of the decedent at the time of death; or
6. Any other person authorized or under obligation to dispose of the body.

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 B of this section may make the gift after or immediately before the decedent's death.

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.

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 of this title.

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

Section 2212. In any death that the Office of the Chief Medical Examiner of the State of Oklahoma is required by law to investigate, a medical examiner may authorize the removal of organs, eyes or tissues from the deceased for donation to a suitable donee pursuant to the provisions of the Uniform Anatomical Gift Act if the next of kin of the deceased has been consulted and consents to ~~said~~ the removal and donation in accordance with the provisions of Section 2203 of this title. It is the intent of the Oklahoma Legislature that, if the removal of ~~an organ or~~ organs, eyes or tissues for transplant, research or other medical purpose will not interfere with the subsequent course of an investigation or autopsy, and if the next of kin of the deceased has been consulted and consents to

~~said~~ such removal and donation in accordance with the provisions of Section 2203 of this title, the Chief Medical Examiner, county medical examiner or any person authorized by law to conduct an autopsy shall authorize the removal of organs, eyes or tissues from the deceased for donation to a suitable donee pursuant to the provisions of the Uniform Anatomical Gift Act. In such cases where the deceased ~~has an organ donor card~~ is a registered donor, the consent from next of kin shall not be required.

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

A. It is the intent of the Oklahoma Legislature that all organs, eyes and tissues deemed medically suitable for transplantation be made available to those in need.

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

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

50-2-2757

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