

## Session 118 - (2009-2010)

### S\*0407 (Rat #0024, Act #0004 of 2009) General Bill, By Hayes, Cleary and Campsen

*Similar (H 3491)*

**Summary:** Revised Uniform Anatomical Gift Act

AN ACT TO AMEND ARTICLE 1, CHAPTER 43, TITLE 44, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DONATION OF HUMAN BODIES, PARTS OF THE HUMAN BODY AND HUMAN TISSUE, SO AS TO CONFORM CROSS REFERENCES TO THE REVISED UNIFORM ANATOMICAL GIFT ACT, TO DELETE THE PROVISION STATING THAT A DONOR DESIGNATION ON A DRIVER'S LICENSE DOES NOT CONSTITUTE EXECUTION OF GIFT UNDER THE UNIFORM ANATOMICAL GIFT ACT; TO AMEND ARTICLE 5, CHAPTER 43, TITLE 44, RELATING TO THE UNIFORM ANATOMICAL GIFT ACT, SO AS TO CHANGE THE ACT NAME TO THE REVISED UNIFORM ANATOMICAL GIFT ACT, AND, AMONG OTHER THINGS, TO REVISE DEFINITIONS, DONOR ELIGIBILITY, DONATION AMENDMENT AND REVOCATION PROCEDURES, THE PRIORITY ORDER TO GIVE CONSENT, SUBSTITUTE DONOR PROCEDURES, DONEE QUALIFICATIONS, AND ALTERNATIVE DONEE PROCEDURES; TO ESTABLISH PROCEDURES FOR REFUSAL TO MAKE AN ANATOMICAL GIFT; TO PROVIDE THAT A PERSON WHO IS IN POSSESSION OF A DOCUMENT OF AN ANATOMICAL GIFT, OR REFUSAL OF A GIFT, SHALL SEND THE DOCUMENT TO THE HOSPITAL IF THE INDIVIDUAL EXECUTING OR REFUSING THE GIFT IS BELIEVED TO BE DECEASED OR NEAR DEATH; TO PROVIDE THAT A PROCUREMENT AGENCY RECEIVING A REFERRAL OF AN INDIVIDUAL AT OR NEAR DEATH SHALL SEARCH THE SOUTH CAROLINA ORGAN AND TISSUE DONOR REGISTRY TO ASCERTAIN IF AN ANATOMICAL GIFT WAS MADE; TO PROVIDE THAT A PHYSICIAN WHO ATTENDED A PERSON AT DEATH OR WHO DETERMINES THE TIME OF DEATH MAY NOT PARTICIPATE IN REMOVAL OR TRANSPLANTATION PROCEDURES; TO ESTABLISH CRIMINAL PENALTIES FOR SELLING OR PURCHASING ORGANS AND FOR OBTAINING FINANCIAL GAIN BY FALSIFYING OR DEFACING A DONATION DOCUMENT; TO ESTABLISH CRITERIA FOR THE VALIDITY OF AN ORGAN DONATION; TO ESTABLISH PROCEDURES TO RESOLVE ISSUES WHEN CERTAIN CONFLICTS EXIST BETWEEN A DECLARATION OF AN ORGAN DONATION AND THE MEDICAL SUITABILITY OF THE ORGAN DONATION; TO REQUIRE CORONERS TO COOPERATE WITH PROCUREMENT ORGANIZATIONS TO MAXIMIZE THE OPPORTUNITY TO RECOVER ANATOMICAL GIFTS AND TO PROVIDE THAT A BODY PART MAY NOT BE REMOVED DURING A POST-MORTEM EXAMINATION FOR TRANSPLANTATION, THERAPY, RESEARCH, OR EDUCATION UNLESS THE PART IS THE SUBJECT OF AN ANATOMICAL GIFT; AND TO AMEND ARTICLE 11, CHAPTER 43, TITLE 44, RELATING TO HOSPITAL POLICY AND PROTOCOL FOR ORGAN AND TISSUE DONATION, SO AS TO REVISE DEFINITIONS AND PROCEDURES FOR CONTACTING PERSONS AUTHORIZED TO CONSENT TO ORGAN DONATION. - ratified title

**02/11/09 Senate Introduced and read first time SJ-19**

**02/11/09 Senate Referred to Committee on Medical Affairs SJ-19**

**03/24/09 Senate Committee report: Favorable with amendment Medical Affairs SJ-17**

**03/25/09 Senate Scrivener's error corrected**

**03/25/09 Senate Committee Amendment Adopted SJ-67**

**03/25/09 Senate Read second time SJ-67**

**03/26/09 Senate Scrivener's error corrected**

**03/26/09 Senate Read third time and sent to House SJ-9**

**03/31/09 House Introduced, read first time, placed on calendar without reference HJ-27**

**04/01/09 House Read second time HJ-70**

**04/02/09 House Read third time and enrolled HJ-15**

**04/30/09 Ratified R 24**

**05/06/09 Signed By Governor**

**05/15/09 Effective date 05/06/09**

**05/19/09 Act No. 4**