

---

HOUSE BILL 1456

---

State of Washington

54th Legislature

1995 Regular Session

By Representatives Dyer, Regala, D. Schmidt, Huff, Mielke, Johnson and Backlund; by request of Governor Lowry

Read first time 01/26/95. Referred to Committee on Health Care.

1 AN ACT Relating to anatomical gift by persons under the age of  
2 eighteen; and amending RCW 68.50.540.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 68.50.540 and 1993 c 228 s 3 are each amended to read  
5 as follows:

6 (1) An individual who is at least eighteen years of age, or an  
7 individual who is at least sixteen years of age as provided in  
8 subsection (12) of this section, may (a) make an anatomical gift for  
9 any of the purposes stated in RCW 68.50.570(1), (b) limit an anatomical  
10 gift to one or more of those purposes, or (c) refuse to make an  
11 anatomical gift.

12 (2) An anatomical gift may be made by a document of gift signed by  
13 the donor. If the donor cannot sign, the document of gift must be  
14 signed by another individual and by two witnesses, all of whom have  
15 signed at the direction and in the presence of the donor and of each  
16 other and state that it has been so signed.

17 (3) If a document of gift is attached to or imprinted on a donor's  
18 motor vehicle operator's license, the document of gift must comply with

1 subsection (2) of this section. Revocation, suspension, expiration, or  
2 cancellation of the license does not invalidate the anatomical gift.

3 (4) The donee or other person authorized to accept the anatomical  
4 gift may employ or authorize a physician, surgeon, technician, or  
5 enucleator to carry out the appropriate procedures.

6 (5) An anatomical gift by will takes effect upon death of the  
7 testator, whether or not the will is probated. If, after death, the  
8 will is declared invalid for testamentary purposes, the validity of the  
9 anatomical gift is unaffected.

10 (6) A donor may amend or revoke an anatomical gift, not made by  
11 will, by:

12 (a) A signed statement;

13 (b) An oral statement made in the presence of two individuals;

14 (c) Any form of communication during a terminal illness or injury;  
15 or

16 (d) The delivery of a signed statement to a specified donee to whom  
17 a document of gift had been delivered.

18 (7) The donor of an anatomical gift made by will may amend or  
19 revoke the gift in the manner provided for amendment or revocation of  
20 wills, or as provided in subsection (6) of this section.

21 (8) An anatomical gift that is not revoked by the donor before  
22 death is irrevocable and does not require the consent or concurrence of  
23 a person after the donor's death.

24 (9) An individual may refuse to make an anatomical gift of the  
25 individual's body or part by (a) a writing signed in the same manner as  
26 a document of gift, (b) a statement attached to or imprinted on a  
27 donor's motor vehicle operator's license, or (c) another writing used  
28 to identify the individual as refusing to make an anatomical gift.  
29 During a terminal illness or injury, the refusal may be an oral  
30 statement or other form of communication.

31 (10) In the absence of contrary indications by the donor, an  
32 anatomical gift of a part is neither a refusal to give other parts nor  
33 a limitation on an anatomical gift under RCW 68.50.550.

34 (11) In the absence of contrary indications by the donor, a  
35 revocation or amendment of an anatomical gift is not a refusal to make  
36 another anatomical gift. If the donor intends a revocation to be a  
37 refusal to make an anatomical gift, the donor shall make the refusal  
38 pursuant to subsection (9) of this section.

1       (12) An individual who is under the age of eighteen, but is at  
2 least sixteen years of age, may make an anatomical gift as provided by  
3 subsection (2) of this section, if the document of gift is also signed  
4 by either parent or a guardian of the donor. A document of gift signed  
5 by a donor under the age of eighteen that is not signed by either  
6 parent or a guardian shall not be considered valid until the person  
7 reaches the age of eighteen, but may be considered as evidence that the  
8 donor has not refused permission to make an anatomical gift under the  
9 provisions of RCW 68.50.550.

--- END ---