

SENATE BILL REPORT

SHB 1787

AS OF FEBRUARY 24, 1992

Brief Description: Adopting the uniform anatomical gift act.

SPONSORS: House Committee on Health Care (originally sponsored by Representatives Appelwick and Jacobsen)

HOUSE COMMITTEE ON HEALTH CARE

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Staff: Sarena Seifer (786-7417)

Hearing Dates: February 24, 1992

BACKGROUND:

The Uniform Anatomical Gift Act was drafted in 1969 by the Commission on Uniform State Laws, and has been adopted in all 50 states and the District of Columbia.

With the introduction of new immunosuppressive drugs and improvements in surgical techniques for transplanting organs and tissues, the act has been criticized for not producing a sufficient supply of organs to meet current or projected demand. It is estimated that 8,000 to 10,000 people nationwide are waiting for transplant organs. As a result, the commission revised the act in 1987. The proposed changes simplify the manner of making an anatomical gift and require that the intentions of a donor be followed.

Washington State law requires the signatures of two witnesses on a document for an anatomical gift. In the absence of a donor consent to make an anatomical gift, other persons may make such a gift upon the death of the donor. These include the surviving spouse, adult children, parents and adult siblings of the decedent in this order.

SUMMARY:

In the absence of donor consent, the document for an anatomical gift must be signed by another person and two witnesses in the presence of the donor.

In the absence of any document evidencing a refusal to make a gift, the persons who may consent to an anatomical gift of a deceased donor include a guardian, a person authorized pursuant to a durable power of attorney, the surviving spouse, adult children, parents, adult siblings, or grandparents, in this order.

Hospitals are required to ask newly admitted adult patients if they are organ or tissue donors. If the answer is yes, documentation of the gift is requested. If the answer is no, the hospital, with the consent of the attending physician, is required to discuss with the patient the option to make or refuse to make an anatomical gift. This information must be placed in the patient's medical record.

If, at or near the time of death of a patient, there is no medical record that the patient has made or refused to make an anatomical gift, the hospital administrator or a designee must discuss with the patient the option of making an anatomical gift. A request is not required if the gift is not suitable based on accepted medical standards.

Law enforcement officers, fire fighters, paramedics or other emergency rescuers must make reasonable searches of individuals believed to be at or near death in order to find a document of gift or other information regarding organ donation.

Hospitals in the state are required to establish agreements or affiliations for coordination of procurement and use of human bodies and parts.

The selling or buying of organ or body parts of another is declared to be a felony punishable by a fine of up to \$50,000 or imprisonment for up to five years.

Appropriation: none

Revenue: none

Fiscal Note: requested February 18, 1992