

HOUSE BILL REPORT

SHB 1787

*As Passed House
February 13, 1992*

Title: An act relating to anatomical gifts.

Brief Description: Adopting the uniform anatomical gift act.

Sponsor(s): By House Committee on Health Care (originally sponsored by Representatives Appelwick and Jacobsen).

Brief History:

Reported by House Committee on:
Health Care, February 5, 1992, DPS;
Passed House, February 13, 1992, 96-0.

**HOUSE COMMITTEE ON
HEALTH CARE**

Majority Report: *The substitute bill be substituted therefor and the substitute bill do pass.* Signed by 11 members: Representatives Braddock, Chair; Day, Vice Chair; Moyer, Ranking Minority Member; Casada, Assistant Ranking Minority Member; Cantwell; Edmondson; Franklin; Morris; Paris; Prentice; and Sprenkle.

Staff: John Welsh (786-7133).

Background: Nationally, the demand for donor organs and body parts far exceeds the supply. It is estimated that from 8,000 to 10,000 people are waiting for a transplant organ. This predicament raises concerns from the patients who need new organs and body parts, as well as from physicians and health facilities providing transplantation services.

The Uniform Anatomical Gift Act, drafted and recommended to the states by the Commission on Uniform State Laws, was enacted in Washington in 1969. In view of the increasing demand for organs, the commission revised the act in 1988 in several respects.

There is a requirement in current law for the signature of two witnesses on a document for an anatomical gift.

Absent consent of a donor to make an anatomical gift, other persons may make such a gift upon the decease of the donor. These include the surviving spouse, children, parents and

siblings of the decedent in this order. There is no provision for the grandparents, guardian or a person authorized pursuant to a durable power of attorney to consent to anatomical gifts of a deceased donor.

There is no requirement on the part of a hospital to make an inquiry of a patient as to whether the patient may be a donor.

There is no penalty provided for the sale or purchase of a donor's body part.

Summary of Bill: The signature of two witnesses is no longer a requirement for evidencing an anatomical gift by a donor. However, where the donor is unable to sign the document of gift, it must be signed by another person in the presence of the donor and two witnesses.

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

A hospital is required to ask newly admitted adult patients if they are an organ or tissues donor. If the answer is in the affirmative, documentation of the gift is requested. If the answer is in the negative, 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.

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.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The Uniform Anatomical Gift Act should be amended to reflect recent developments, and the changes made recently by the Commission on Uniform State Laws, in order to make organs and body parts more accessible to those patients who need them.

Testimony Against: None.

Witnesses: Representative Appelwick, Prime Sponsor (pro); Andy Dolan and Christopher Blagg, Northwest Kidney Center

(pro); and Jeff Mero, State Hospital Association.