

142C.4 Donation of anatomical gifts by individuals other than the donor.

1. Any available member of the following classes of persons, in the order of priority listed, may make an anatomical gift of a decedent's body or parts for an authorized purpose, unless the decedent, at the time of death, has made an unrevoked refusal to make an anatomical gift:

a. The attorney in fact pursuant to a durable power of attorney for health care.

b. The spouse of the decedent.

c. An adult child of the decedent.

d. A parent of the decedent.

e. An adult sibling of the decedent.

f. A grandparent of the decedent.

g. A guardian of the decedent at the time of the decedent's death.

2. An anatomical gift shall not be made by a person listed in subsection 1 if any of the following conditions apply:

a. A person in a prior class is available, in person or by telephone contact, at the time of the death of the decedent to make an anatomical gift.

b. The person proposing to make an anatomical gift knows of a refusal by the decedent to make an anatomical gift.

c. The person proposing to make an anatomical gift knows of an objection to making an anatomical gift by a member of the person's class or a prior class.

3. An anatomical gift by a person authorized under subsection 1 shall be made by execution of a document of gift signed by the person or by the person's telegraphic, recorded telephonic, or other recorded message, or by any other form of communication from the person that is contemporaneously reduced to writing and signed by the recipient of the communication.

4. An anatomical gift by a person authorized under subsection 1 may be revoked by any member of the same or prior class if, before the procedures have begun for removal of a part from the body of the decedent, the physician, technician, or enucleator performing the removal procedures is notified of the revocation.

5. Failure to make an anatomical gift under subsection 1 does not constitute an objection to the making of an anatomical gift.

95 Acts, ch 39, §4; 2002 Acts, ch 1064, §5