

CHAPTER 1064

ANATOMICAL GIFTS

S.F. 2195

AN ACT relating to the uniform anatomical gift Act including the document of gift, the release of identifying information, donors other than the subject of the donation, and immunity provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 142C.2, subsection 4, Code Supplement 2001, is amended to read as follows:

4. "Document of gift" means a card signed by an individual donor, a written statement attached to or imprinted or noted on a driver's license or nonoperator's identification card, an entry in a donor registry, a donor's will, or any other written document used by a donor to make an anatomical gift.

Sec. 2. Section 142C.2, Code Supplement 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 5A. "Donor registry" means the statewide organ and tissue donor registry established pursuant to section 142C.18 or a similar registry.

Sec. 3. Section 142C.3, subsections 2, 3, and 12, Code 2001, are amended to read as follows:

2. An anatomical gift may be made only by completion of a document of gift or as otherwise provided in this section. If the prospective donor is a minor fourteen through seventeen years of age, to be valid, a document of gift shall be signed by the minor and the minor's parent or legal guardian. If the document of gift requires the signature of the donor, but the donor is unable to sign the document, the document of gift shall be signed by another individual and by two witnesses, all of whom sign at the direction and in the presence of the donor, the other individual, and the two witnesses. The document of gift, including an entry in a donor registry, shall provide certification that the document has been executed in the prescribed manner.

3. If a donor indicates the wish to become a donor, pursuant to section 321.189, and the indication is attached to or imprinted or noted on an individual's driver's license, or nonoperator's identification card, or if a donor indicates the wish to become a donor via an entry in a donor registry and the entry is certified as being executed in the prescribed manner, the document, including an entry in a donor registry, shall be considered an expression of intent for the purposes of this section a valid document of gift.

12. A document of gift may be in the form of a specific donor card such as an eye donor card, a uniform donor card, a driver's license, a nonoperator's identification card, an entry in a donor registry, a will, or any other written document executed pursuant to this chapter. A uniform donor card shall include the options of donating any and all parts, or any specific part or parts. A uniform donor card may, but is not required to be, in the following form:

UNIFORM DONOR CARD

I,, have made a commitment to be an anatomical gift donor.

I wish to donate the following:

..... Any needed
part

..... Only the
following part

Donor Signature

.....
Date

Sec. 4. Section 142C.3, subsection 8, Code 2001, is amended by striking the subsection and inserting in lieu thereof the following:

8. A document of gift that is not revoked by the donor prior to the donor's death does not require the consent or concurrence of any other person after the donor's death and is sufficient legal authority, following the donor's death, for the removal of any part donated under the document of gift, without the consent or concurrence of any other person. A person, including but not limited to a family member, a guardian, an attorney in fact named under a durable power of attorney for health care, or an executor of the donor's estate, is not authorized to and shall not revoke or in any way supersede a document of gift that is not revoked by the donor prior to the donor's death.

Sec. 5. Section 142C.4, subsection 2, paragraph a, Code 2001, is amended to read as follows:

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.

Sec. 6. Section 142C.6, subsection 2, Code 2001, is amended to read as follows:

2. If an anatomical gift is made to a designated donee, the document of gift, or a copy, may be delivered to the donee to expedite the appropriate procedures after the death of the donor. The document of gift, or a copy, may be deposited in any hospital, organ procurement organization, bank or storage organization, or donor registry office that accepts the document of gift for safekeeping or for the facilitation of procedures after the death of the donor. If a document is deposited by a donor in a hospital, donor registry, or bank or storage organization, the hospital or bank or storage organization may forward the document to an organ procurement organization which will retain the document for facilitating procedures following the death of the donor. Upon request of a hospital, physician, or surgeon, upon or after the donor's death, the person in possession of the document of gift may allow the hospital, physician, or surgeon to examine or copy the document of gift.

Sec. 7. Section 142C.7, Code 2001, is amended to read as follows:

142C.7 CONFIDENTIAL INFORMATION.

A hospital, licensed or certified health care professional, pursuant to chapter 148, 148C, 150A, or 152, or medical examiner may release patient information to an organ procurement organization, donor registry, or bank or storage organization as part of a referral or retrospective review of the patient as a potential donor. Additionally, a medical examiner or a medical examiner's designee, peace officer, fire fighter, or emergency medical care provider may release an individual's identifying information to an organ procurement organization, donor registry, or bank or storage organization to determine if the individual is a donor. Any information regarding a patient, including the patient's identity, however, constitutes confidential medical information and under any other circumstances is prohibited from disclosure without the written consent of the patient or the patient's legal representative.

Sec. 8. Section 142C.11, subsection 3, Code 2001, is amended to read as follows:

3. A hospital, funeral establishment, health care professional licensed or certified pursuant to chapter 148, 148C, 150A, or 152, a medical examiner, or a medical examiner's designee, technician, enucleator, peace officer, fire fighter, emergency medical care provider, funeral director, or other person, who complies with this chapter in good faith or with the applicable anatomical gift law of another state, or who attempts in good faith to comply, is immune from any liability, civil or criminal, which might result from the making or acceptance of an anatomical gift.

Approved April 4, 2002