

1 SEC. 16. Any person violating any of the provisions of this Act shall
 2 be punished by a fine of not more than one hundred dollars, or by imprison-
 3 ment in the county jail for a period not to exceed thirty days, or by both
 4 such fine and imprisonment.

Approved April 18, 1969.

CHAPTER 137

ANATOMICAL GIFTS

H. F. 305

AN ACT relating to anatomical gifts and related procedures.

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

1 SECTION 1. **Definitions.**

2 1. "Bank or storage facility" means a facility licensed, accredited, or
 3 approved under the laws of any state for storage of human bodies or parts
 4 thereof.

5 2. "Decedent" means a deceased individual and includes a stillborn infant
 6 or fetus.

7 3. "Donor" means an individual who makes a gift of all or part of his
 8 body.

9 4. "Hospital" means a hospital licensed under the laws of this state, or
 10 licensed, accredited, or approved under the laws of any other state and in-
 11 cludes a hospital operated by the United States government, a state, or a
 12 subdivision thereof, although not required to be licensed under state laws.

13 5. "Part" includes organs, tissues, eyes, bones, arteries, blood, other fluids
 14 and other portions of a human body, and "part" includes "parts".

15 6. "Person" means an individual, corporation, government or governmen-
 16 tal subdivision or agency, business trust, partnership, association, or any
 17 other legal entity.

18 7. "Physician" or "surgeon" means a physician, surgeon, or osteopathic
 19 physician and surgeon, licensed or authorized to practice under the laws of
 20 any state.

21 8. "State" includes any state, district, commonwealth, territory, insular
 22 possession, and any other area subject to the legislative authority of the
 23 United States of America.

1 SEC. 2. **Persons Who May Execute an Anatomical Gift.**

2 1. Any individual of sound mind and twenty-one years of age or more
 3 may give all or any part of his body for any purposes specified in section
 4 three (3) of this Act, the gift to take effect upon death.

5 2. Any of the following persons, in order of priority stated, when persons
 6 in prior classes are not available at the time of death, and in the absence
 7 of actual notice of contrary indications by the decedent, or actual notice
 8 of opposition by a member of the same or a prior class, may give all or any
 9 part of the decedent's body for any purposes specified in section three (3)
 10 of this Act:

11 a. The spouse.

12 b. An adult son or daughter.

- 13 *c.* Either parent.
14 *d.* An adult brother or sister.
15 *e.* A guardian of the person of the decedent at the time of his death.
16 *f.* Any other person authorized or under obligation to dispose of the body.
17 The persons authorized by this subsection may make the gift after death
18 or immediately before death.
19 3. If the donee has actual notice of contrary indications by the decedent,
20 or that a gift by a member of a class is opposed by a member of the same
21 or a prior class, the donee shall not accept the gift.
22 4. A gift of all or part of a body authorizes any examination necessary to
23 assure medical acceptability of the gift for the purposes intended.
24 5. The rights of the donee created by the gift are paramount to the
25 rights of others except as provided by section seven (7), subsection four (4)
26 of this Act.

1 **SEC. 3. Persons Who May Become Donees, and Purposes for**
2 **Which Anatomical Gifts May Be Made.** The following persons may be-

3 come donees of gifts of bodies or parts thereof for the purposes stated:

- 4 1. Any hospital, surgeon, or physician, for medical or dental education,
5 research, advancement of medical or dental science, therapy, or transplan-
6 tation.
7 2. Any accredited medical or dental school, college, or university, for
8 education, research, advancement of medical or dental science, or therapy.
9 3. Any bank or storage facility, for medical or dental education, re-
10 search, advancement of medical or dental science, therapy, or transplanta-
11 tion.
12 4. Any specified individual for therapy or transplantation needed by him.

1 **SEC. 4. Manner of Executing Anatomical Gifts.**

- 2 1. A gift of all or part of the body under section two (2), subsection one
3 (1) of this Act may be made by will. The gift becomes effective upon the
4 death of the testator without waiting for probate. If the will is not probat-
5 ed, or if it is declared invalid for testamentary purposes, the gift, to the
6 extent that it has been acted upon in good faith, is nevertheless valid and
7 effective.
8 2. A gift of all or part of the body under section two (2), subsection one
9 (1) of this Act may also be made by a document other than a will. The gift
10 becomes effective upon the death of the donor. The document, which may be
11 a card designed to be carried on the person, must be signed by the donor,
12 in the presence of two witnesses who must sign the document in his pres-
13 ence. If the donor cannot sign, the document may be signed for him at
14 his direction and in his presence, and in the presence of two witnesses who
15 must sign the document in his presence. Delivery of the document of gift
16 during the donor's lifetime is not necessary to make the gift valid.
17 3. The gift may be made to a specified donee or without specifying a
18 donee. If the latter, the gift may be accepted by the attending physician
19 as donee upon or following death. If the gift is made to a specified donee
20 who is not available at the time and place of death, the attending physi-
21 cian upon or following death, in the absence of any expressed indication
22 that the donor desired otherwise, may accept the gift as donee. The physi-
23 cian who becomes a donee under this subsection shall not participate in
24 the procedures for removing or transplanting a part, except as provided
25 in section seven (7), subsection two (2) of this Act.

26 4. Notwithstanding section seven (7), subsection two (2) of this Act,
27 the donor may designate in his will, card or other document of gift the
28 surgeon or physician to carry out the appropriate procedures. In the ab-
29 sence of a designation, or if the designee is not available, the donee or
30 other person authorized to accept the gift may employ or authorize any
31 surgeon or physician for the purpose.

32 5. Any gift by a person designated in section two (2), subsection two (2)
33 of this Act shall be made by a document signed by him, or made by his
34 telegraphic, recorded telephonic or other recorded message.

1 **SEC. 5. Delivery of Document of Gift.** If the gift is made by the
2 donor to a specified donee, the will, card, or other document, or an ex-
3 ecuted copy thereof, may be delivered to the donee to expedite the appro-
4 priate procedures immediately after death, but delivery is not necessary to
5 the validity of the gift. The will, card, or other document, or an executed
6 copy thereof, may be deposited in any hospital, bank, or storage facility,
7 or registry office that accepts documents for safekeeping or for facilitation
8 of procedures after death. On request of any interested party upon or after
9 the donor's death, the person in possession shall produce the document for
10 examination.

1 **SEC. 6. Amendment or Revocation of the Gift.**

2 1. If the will, card, or other document, or executed copy thereof, has
3 been delivered to a specified donee, the donor may amend or revoke the
4 gift by:

5 *a.* The execution and delivery to the donee of a signed statement.

6 *b.* An oral statement made in the presence of two persons and commun-
7 icated to the donee.

8 *c.* A statement during a terminal illness or injury addressed to an at-
9 tending physician and communicated to the donee.

10 *d.* A signed card or document found on his person or in his effects.

11 2. Any document of gift which has not been delivered to the donee may
12 be revoked by the donor in the manner set out in subsection one (1) of
13 this section, or by destruction, cancellation, or mutilation of the document
14 and all executed copies thereof.

15 3. Any gift made by a will may also be amended or revoked in the man-
16 ner provided for amendment or revocation of wills, or as provided in sub-
17 section one (1) of this section.

1 **SEC. 7. Rights and Duties at Death.**

2 1. The donee may accept or reject the gift. If the donee accepts a gift
3 of the entire body, he may, subject to the terms of the gift, authorize em-
4 balming and the use of the body in funeral services. If the gift is of a part
5 of the body, the donee, upon the death of the donor and prior to embalm-
6 ing, shall cause the part to be removed without unnecessary mutilation.
7 After removal of the part, custody of the remainder of the body vests in
8 the surviving spouse, next of kin, or other persons under obligation to dis-
9 pose of the body.

10 2. The time of death shall be determined by a physician who attends
11 the donor at his death, or, if none, the physician who certifies the death.
12 This physician shall not participate in the procedures for removing or
13 transplanting a part, the enucleation of eyes being the exception.

14 3. A person who acts in good faith in accordance with the terms of this
15 Act, or under the anatomical gift laws of another state, is not liable for

16 damages in any civil action or subject to prosecution in any criminal pro-
17 ceeding for his act.

18 4. The provisions of this Act are subject to the laws of this state pre-
19 scribing powers and duties with respect to autopsies.

1 SEC. 8. The procurement, processing, distribution or use of whole blood,
2 plasma, blood products, blood derivatives and other human tissues such as
3 corneas, bones or organs for the purpose of injecting, transfusing or trans-
4 planting any of them into the human body is declared to be, for all pur-
5 poses, the rendition of a service by every person participating therein and,
6 whether or not any remuneration is paid therefor, is declared not to be a
7 sale of such whole blood, plasma, blood products, blood derivatives or other
8 tissues, for any purpose, subsequent to enactment of this section.

1 SEC. 9. **Uniformity of Interpretation.** This Act shall be so con-
2 strued as to effectuate its general purpose to make uniform the law of those
3 states which enact it.

1 SEC. 10. **Short Title.** This Act may be cited as the "Uniform Ana-
2 tomical Gift Act".

1 SEC. 11. Section one hundred forty-two point twelve (142.12), Code
2 1966, is hereby repealed.

1 SEC. 12. Section one hundred forty-two point four (142.4), Code 1966,
2 is hereby amended by adding the following:

3 "This section shall not apply to bodies given under authority of the Uni-
4 form Anatomical Gift Act."

1 SEC. 13. Section one hundred forty-two point eight (142.8), Code 1966,
2 is hereby amended by adding the following:

3 "This section shall not apply to bodies given under authority of the Uni-
4 form Anatomical Gift Act."

Approved June 5, 1969.

CHAPTER 138

DRUGGISTS LICENSES

H. F. 515

AN ACT relating to the licenses of pharmacists, pharmacies, and wholesale druggists.

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

1 SECTION 1. Section one hundred forty-seven point eighty (147.80),
2 subsection seven (7), Code 1966, is hereby amended by striking from line
3 nine (9) the word "seven" and all of lines ten (10) through fourteen (14),
4 inclusive, and inserting in lieu thereof the words "twelve dollars and fifty
5 cents,".

1 SEC. 2. Section one hundred fifty-five point twelve (155.12), Code
2 1966, as amended by chapter one hundred sixty-seven (167), section four
3 (4), Acts of the Sixty-second General Assembly, is further amended as fol-
4 lows: