

**64-13-44 Posthumous organ donations by inmates.**

- (1) As used in this section:
  - (a) "Document of gift" has the same meaning as in Section 26-28-102.
  - (b) "Sign" has the same meaning as in Section 26-28-102.
- (2)
  - (a) The Utah Department of Corrections shall make available to each inmate a document of gift form that allows an inmate to indicate the inmate's desire to make an anatomical gift if the inmate dies while in the custody of the department.
  - (b) If the inmate chooses to make an anatomical gift after death, the inmate shall complete a document of gift in accordance with the requirements of Title 26, Chapter 28, Revised Uniform Anatomical Gift Act.
  - (c) The department shall maintain a record of the document of gift that an inmate provides to the department.
- (3) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management Act, the department may, upon request, release to an organ procurement organization, as defined in Section 26-28-102, the names and addresses of all inmates who complete and sign the document of gift form indicating they intend to make an anatomical gift.
- (4) The making of an anatomical gift by an inmate under this section shall comply with Title 26, Chapter 28, Revised Uniform Anatomical Gift Act.
- (5) Notwithstanding anything in this section, the department shall not be considered to be an inmate's "guardian" for the purposes of Title 26, Chapter 28, Revised Uniform Anatomical Gift Act.

Enacted by Chapter 256, 2013 General Session