

1 **INMATE MEDICAL DONATION ACT**

2 2013 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Steve Eliason**

5 Senate Sponsor: Margaret Dayton

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7 **LONG TITLE**

8 **General Description:**

9 This bill provides for inmates to voluntarily donate their organs posthumously.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ requires the Utah Department of Corrections to provide a document of gift form at  
13 an inmate's request, indicating an inmate's desire to make an anatomical gift if the  
14 inmate dies while in the custody of the department;

15 ▶ requires the department to maintain a record of an inmate's anatomical gift  
16 determination; and

17 ▶ provides that the department may release to an organ procurement organization the  
18 names of all inmates who indicate they intend to make an anatomical gift.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 ENACTS:

25 **64-13-44**, Utah Code Annotated 1953

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27 *Be it enacted by the Legislature of the state of Utah:*

28 Section 1. Section **64-13-44** is enacted to read:

29 **64-13-44. Posthumous organ donations by inmates.**

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