

26-28-109 Who may make anatomical gift of decedent's body or part.

- (1) Subject to Subsections (2) and (3) and unless barred by Section 26-28-107 or 26-28-108, an anatomical gift of a decedent's body or part for purpose of transplantation, therapy, research, or education may be made by any member of the following classes of persons who is reasonably available, in the order of priority listed:
 - (a) an agent of the decedent at the time of death who could have made an anatomical gift under Subsection 26-28-104(2) immediately before the decedent's death;
 - (b) the spouse of the decedent;
 - (c) adult children of the decedent;
 - (d) parents of the decedent;
 - (e) adult siblings of the decedent;
 - (f) adult grandchildren of the decedent;
 - (g) grandparents of the decedent;
 - (h) the persons who were acting as the guardians of the person of the decedent at the time of death; and
 - (i) any other person having the authority to dispose of the decedent's body.
- (2) If there is more than one member of a class listed in Subsection (1)(a), (c), (d), (e), (f), (g), or (i) entitled to make an anatomical gift, an anatomical gift may be made by a member of the class unless that member or a person to which the gift may pass under Section 26-28-111 knows of an objection by another member of the class. If an objection is known, the gift may be made only by a majority of the members of the class who are reasonably available.
- (3) A person may not make an anatomical gift if, at the time of the decedent's death, a person in a prior class under Subsection (1) is reasonably available to make or to object to the making of an anatomical gift.

Enacted by Chapter 60, 2007 General Session