

**Effective 5/13/2014**

**26-28-112 Search and notification.**

- (1) The following persons shall make a reasonable search of an individual who the person reasonably believes is dead or near death for a document of gift or other information identifying the individual as a donor or as an individual who made a refusal:
  - (a) a law enforcement officer, firefighter, paramedic, or other emergency rescuer finding the individual;
  - (b) if no other source of the information is immediately available, a hospital, as soon as practical after the individual's arrival at the hospital; and
  - (c) a law enforcement officer, firefighter, emergency medical services provider, or other emergency rescuer who finds an individual who is deceased at the scene of a motor vehicle accident, when the deceased individual is transported from the scene of the accident to a funeral establishment licensed under Title 58, Chapter 9, Funeral Services Licensing Act:
    - (i) the law enforcement officer, firefighter, emergency medical services provider, or other emergency rescuer shall as soon as reasonably possible, notify the appropriate organ procurement organization, tissue bank, or eye bank of:
      - (A) the identity of the deceased individual, if known;
      - (B) information, if known, pertaining to the deceased individual's legal next-of-kin in accordance with Section 26-28-109; and
      - (C) the name and location of the funeral establishment which received custody of and transported the deceased individual; and
    - (ii) the funeral establishment receiving custody of the deceased individual under this Subsection (1)(c) may not embalm the body of the deceased individual until:
      - (A) the funeral establishment receives notice from the organ procurement organization, tissue bank, or eye bank that the readily available persons listed as having priority in Section 26-28-109 have been informed by the organ procurement organization of the option to make or refuse to make an anatomical gift in accordance with Section 26-28-104, with reasonable discretion and sensitivity appropriate to the circumstances of the family;
      - (B) in accordance with federal law, prior approval for embalming has been obtained from a family member or other authorized person; and
      - (C) the period of time in which embalming is prohibited under Subsection (1)(c)(ii) may not exceed 24 hours after death.
- (2) If a document of gift or a refusal to make an anatomical gift is located by the search required by Subsection (1)(a) and the individual or deceased individual to whom it relates is taken to a hospital, the person responsible for conducting the search shall send the document of gift or refusal to the hospital.
- (3) A person is not subject to criminal or civil liability for failing to discharge the duties imposed by this section but may be subject to administrative sanctions.

Amended by Chapter 189, 2014 General Session