

1 **AMENDMENT TO UNIFORM ANATOMICAL**
2 **GIFT ACT**

3 2008 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Lyle W. Hillyard**

6 House Sponsor: Fred R. Hunsaker

8 **LONG TITLE**

9 **General Description:**

10 This bill amends the Revised Uniform Anatomical Gift Act.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ incorporates an amendment adopted by the National Conference of Commissioners
14 on Uniform State Laws which coordinates directions from a patient under an
15 advance health care directive with directions from a patient under a declaration to
16 make an anatomical gift.

17 **Monies Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 **AMENDS:**

23 **26-28-121**, as enacted by Laws of Utah 2007, Chapter 60

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

26 Section 1. Section **26-28-121** is amended to read:

27 **26-28-121. Effect of anatomical gift on advance health care directive.**

28 (1) As used in this section:

29 (a) "Advance health care directive" means a power of attorney for health care or a

30 record signed or authorized by a prospective donor containing the prospective donor's direction
31 concerning a health care decision for the prospective donor.

32 (b) "Declaration" means a record signed by a prospective donor specifying the
33 circumstances under which a life support system may be withheld or withdrawn from the
34 prospective donor.

35 (c) "Health care decision" means any decision [~~made~~] regarding the health care of the
36 prospective donor.

37 (2) If a prospective donor has a declaration or advance health care directive[;] and the
38 terms of the declaration or directive and the express or implied terms of a potential anatomical
39 gift are in conflict with regard to the administration of measures necessary to ensure the medical
40 suitability of [an organ] a part for transplantation or therapy [may not be withheld or withdrawn
41 from the prospective donor, unless the declaration expressly provides to the contrary], the
42 prospective donor's attending physician and prospective donor shall confer to resolve the
43 conflict. If the prospective donor is incapable of resolving the conflict, an agent acting under
44 the prospective donor's declaration or directive, or if no declaration or directive exists or the
45 agent is not reasonably available, another person authorized by a law other than this chapter to
46 make a health care decision on behalf of the prospective donor, shall act for the donor to
47 resolve the conflict. The conflict must be resolved as expeditiously as possible. Information
48 relevant to the resolution of the conflict may be obtained from the appropriate procurement
49 organization and any other person authorized to make an anatomical gift for the prospective
50 donor under Section 26-28-109. Before resolution of the conflict, measures necessary to ensure
51 the medical suitability of the part may not be withheld or withdrawn from the prospective donor
52 if withholding or withdrawing the measures is not contraindicated by appropriate end of life
53 care.