

**AMENDMENT TO UNIFORM ANATOMICAL
GIFT ACT**

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lyle W. Hillyard

House Sponsor: Fred R. Hunsaker

LONG TITLE

General Description:

This bill amends the Revised Uniform Anatomical Gift Act.

Highlighted Provisions:

This bill:

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

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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33 circumstances under which a life support system may be withheld or withdrawn from the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41 withdrawn from the prospective donor, unless the declaration expressly provides to the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51 necessary to ensure the medical suitability of the part may not be withheld or withdrawn from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

Legislative Review Note
as of 1-18-08 8:59 AM

Office of Legislative Research and General Counsel

S.B. 146 - Amendment to Uniform Anatomical Gift Act

Fiscal Note

2008 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
