

INMATE MEDICAL DONATION ACT

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: Margaret Dayton

LONG TITLE

Committee Note:

The Law Enforcement and Criminal Justice Interim Committee recommended this bill.

General Description:

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

Highlighted Provisions:

This bill:

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

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

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

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

64-13-44, Utah Code Annotated 1953



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29 *Be it enacted by the Legislature of the state of Utah:*30 Section 1. Section **64-13-44** is enacted to read:31 **64-13-44. Posthumous organ donations by inmates.**32 (1) As used in this section:33 (a) "Document of gift" has the same meaning as in Section 26-28-102.34 (b) "Sign" has the same meaning as in Section 26-28-102.35 (2) (a) The Utah Department of Corrections shall make available to each inmate a
36 document of gift form that allows an inmate to indicate the inmate's desire to make an
37 anatomical gift if the inmate dies while in the custody of the department.38 (b) If the inmate chooses to make an anatomical gift after death, the inmate shall
39 complete a document of gift in accordance with the requirements of Title 26, Chapter 28,
40 Revised Uniform Anatomical Gift Act.41 (c) The department shall maintain a record of the document of gift that an inmate
42 provides to the department.43 (3) Notwithstanding Title 63G, Chapter 2, Government Records Access and
44 Management Act, the department may, upon request, release to an organ procurement
45 organization, as defined in Section 26-28-102, the names and addresses of all inmates who
46 complete and sign the document of gift form indicating they intend to make an anatomical gift.47 (4) The making of an anatomical gift by an inmate under this section shall comply with
48 Title 26, Chapter 28, Revised Uniform Anatomical Gift Act.48a **Ĥ→ (5) Notwithstanding anything in this section, the department shall not be considered to**
48b **be an inmate's "guardian" for the purposes of Title 26, Chapter 28, Revised Uniform**
48c **Anatomical Gift Act. ←Ĥ**

Legislative Review Note**as of 10-24-12 12:09 PM****Office of Legislative Research and General Counsel**