

SENATE JUDICIARY COMMITTEE

MINUTES

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Meeting was called to order on February 17 at 10:15 a. m.
by Chairman Monroe:

Committee members present: Chairman Monroe
Senator Bunker
Senator Hug
Senator Young
Senator Dodge
Senator Christensen
Senator Swobe

Guests: Richard Licata, Ph. D.
Professor of Anatomy, University
of Nevada

Nelson B. Neff, Executive Secretary,
Medical Association.

Chairman Monroe called upon Dr. Licata who wished to be
heard on A. B. 3.

Dr. Licata: There is present legislation to cover a
cadaver being used for medical teaching purposes. There was
an Anatomical Board established for this purpose about two
years ago. The cadaver material is used for teaching at the
University of Nevada. There are forms provided to be signed
by the person donating his body or parts of his body to
the University of Nevada for teaching.

The situation is somewhat changed now as parts of the
body are used for transplant. People can donate for this
purpose only and there are procedure problems that have arisen
from this. There are state laws governing the use and transport
of anatomical material and the laws vary according to states.
We use the bank at the University of California but we have
problems getting the material across the state line. We
definitely need uniform laws. The donation of the entire
body is quite different than donating organs for transplant.
The organ donation is more complex as it affects both the
donator and recipient.

AB 3 is a guide line and intent that permits the donor
to give to the donee. There is one weakness in the bill. It
provides that a doctor may handle the coronary transplants,
another doctor a kidney, etc. and we feel there should be a
committee set up to govern for all organs to be transplanted.

There is one question that brought up. When is a person
legally dead. There is the biological (doctor's opinion) vs.
the legal opinion. There could be legal problems result from
this.

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There is one section I am worried about. Section 18, subsection 3. "A person who acts in good faith in accord with the terms of sections 2 to 19, inclusive, of this act or with the anatomical gift laws of another sate or a foreign country is not liable for damages in any civil action or subject to prosecution in any criminal proceeding for his act." The state law should have priority over all other. A person should be aware of the state law and confine himself to the law as it reads.

Chairman Monroe: Do you think this should be strengthened and clarified?

Senator Young: We could strike out "another state or foreign".

Dr. Licata: How can we transport anatomical parts across the state line. One law is within the state and the second law is now received and transported from state to state. The passage of this will give the Board guide lines and changes could be made to straighten out the conflicts at a later date.

Senator Hug: If this bill was passed as is would it give you sufficient to work with now?

Dr. Licata: I would recommend the proper authorities, the Anatomical Board and Medical Association be advised the bill should be strengthened and point out the weaknesses. This is not adequate to function the way it is. The anatomical material must be received thru the Anatomical Board for cadaver material.

Senator Hug: It would be better to have the Board develop a proper bill and not pass this or would you prefer to pass this as is and have the Board work on it later?

Dr. Licata: We could pass this and have them work on a new bill with recommendations to the State Medical Society and State Bar to study this and strengthen it.

Senator Monroe: We should include the State Anatomical Board in this bill and establish its laws and regulations.

Dr. Licata: The Anatomical Board is not legally recognized now. This is the Anatomical Board of the University of Nevada and set up by the Board of Regents at the University. It is implied in the bill but not specifically provided for that the doctor who judges the donor as dead can not be involved in the transplant operation. There is a separate doctor who picks the donor. The pathologist also has to make a decision .

We have no program for the transplant now and there is a problem of transporting across the state line if something is not provided. We have no bank for organs donated from the people of Nevada and have to use the bank at the University of California. Washoe Medical is contemplating setting up an organ bank.

Senator Monroe: Is this uniform in other states? How do they handle it?

Dr. Licata: It was recommended by the American Medical Association there be uniform laws within the states and was set up by the Bar Association.

Senator Monroe: Could you contact the Board and come up with recommended changes and bring them back to us.

Senator Swobe moved this be set aside until a later date.
Senator Christensen seconded the motion.
Motion carried.

Chairman Monroe read the proposed amendments for SB 160 prepared by Russ McDonald. This would eliminate any employee of the state and leaves only the employee of the counsel bureay.

Senator Christensen moved it be amended and do pass.
Senator Hug seconded the motion
Motion Carried.

Chairman Monroe reminded the members of the committee of the public hearing on the marriage bill scheduled for Tuesday at 10:00 a.m.

Respectfully submitted,

Jéanne M. Smith, Secretary

Approved: _____