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**Revises provisions concerning visitation rights of patients of certain health care facilities and disposition of body of person upon death.
(BDR 40-957)**

The following amendments were proposed:

Lucille Lusk – Nevada Concerned Citizens & Others

1. Revise the bill to delete the concept that a family may include a friend or other person not legally related; substitute throughout that the patient may designate another person for the various purposes listed and revising associated forms accordingly.
2. Since any person may be designated, deletes new language under subsections 1(c) in Section 6 and 1(c) in Section 7.
3. Specifies that the individual making the decision is age 18 or older, and revising associated forms accordingly.
4. Revises the order of priority in Sections 6 and 7 to list the person designated by the advance directive or affidavit first and spouse second in order.

(A full mockup of proposed changes is included)

Ned Phillips – Palm Mortuary & Others

5. In revising the bill, revise the list of persons in Sections 6 (anatomical gifts) and 7 (orders for cremation), of the bill to make the sequence of persons who can authorize identical and the wording the same. [Probably use Section 6 to modify Section 7, since, for example, “an adult son or daughter of the decedent” is more direct and less difficult to administer than “a majority of the adult children.”]

MOCK-UP

PROPOSED AMENDMENT TO
SENATE BILL NO. 386

PREPARED FOR SENATE COMMITTEE ON HUMAN RESOURCES & FACILITIES
MARCH 25, 2003

PREPARED BY THE RESEARCH DIVISION

**NOTE: THIS DOCUMENT SHOWS PROPOSED AMENDMENTS IN
CONCEPTUAL FORM. THE LANGUAGE AND ITS PLACEMENT IN THE
OFFICIAL AMENDMENT MAY DIFFER.**

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~green bold double strikethrough~~ is language proposed to be deleted in this amendment and (5) *green bold dashed underlining* is deleted language in the original bill that is proposed to be retained in this amendment.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 449 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2 and 3 of this act.

3 **Sec. 2.** ~~As used in NRS 449.700 to 449.750, inclusive, and section 3~~
4 ~~of this act, unless the context otherwise requires, "family" includes any~~
5 ~~person who plays a significant role in the life of a patient, including,~~
6 ~~without limitation, a person who is not legally related to the patient.~~

7 **Sec. 3. 1.** *If, as a result of the incapacitation of the patient or his*
8 *inability to communicate, a patient of a medical facility, facility for the*
9 *dependent or home for individual residential care is unable to inform the*
10 *staff of the facility of the persons that qualify ~~as family of the patient for~~*
11 *purposes of visitation, the facility shall allow visitation rights in*
12 *accordance with the visitation policies of the facility to any person*
13 *designated ~~as family of~~ by the patient in an affidavit executed in*
14 *accordance with subsection 2.*

15 **2.** *A person age 18 or older wishing to designate ~~a~~ another person*
16 *~~as family~~ for the purposes of establishing visitation rights in a medical*
17 *facility, facility for the dependent or home for individual residential care*

1 may execute an affidavit before a notary public in substantially the
2 following form:

3 State of Nevada }
4 }ss.
5 County of..... }

6 (Date).....

7 I,, (patient who is designating another person ~~as~~
8 ~~family~~ for purposes of visitation) do hereby designate
9 (person who is being designated ~~as family of the~~
10 ~~patient~~ for purposes of visitation) ~~as family~~ for the purposes of
11 establishing visitation rights in a medical facility, facility for the
12 dependent or home for individual residential care. I hereby instruct all
13 staff of a medical facility, facility for the dependent or home for
14 individual residential care in which I am a patient to admit
15 (person who is being designated ~~as family of the~~
16 ~~patient~~ for purposes of visitation) to my room and afford him or her the
17 same visitation rights as are provided to members of my family who are
18 legally related to me during my time as a patient.

19 Subscribed and sworn to before me this
20 day of the month of of the year.....

21
22 (Notary Public)

23 Sec. 4. Chapter 451 of NRS is hereby amended by adding thereto a
24 new section to read as follows:

25 A person age 18 or older wishing to authorize another person to order
26 the burial of his human remains in the event of his death may execute an
27 affidavit before a notary public in substantially the following form:

28 State of Nevada }
29 }ss.
30 County of..... }

31 (Date).....

32 I,, (person authorizing another person to order
33 the burial of his human remains in the event of his death) do hereby
34 designate (person who is being authorized to order
35 the burial of the human remains of a person in the event of his death) to
36 order the burial of my human remains upon my death.

37 Subscribed and sworn to before me this
38 day of the month of of the year.....

39
40 (Notary Public)

41 Sec. 5. NRS 451.005 is hereby amended to read as follows:
42 451.005 As used in NRS 451.010 to 451.470, inclusive, and section 4
43 of this act, unless the context otherwise requires, "human remains" or
44 "remains" means the body of a deceased person, and includes the body in
45 any stage of decomposition and the cremated remains of a body.

1 **Sec. 6.** NRS 451.557 is hereby amended to read as follows:
2 451.557 1. Any member of the following classes of persons, in the
3 order of the priority listed, may make an anatomical gift of all or a part of
4 the decedent's body for an authorized purpose, unless the decedent, at the
5 time of death, has made an unrevoked refusal to make that anatomical gift:

- 6 ~~(a)~~ *b*) The spouse of the decedent;
7 ~~(b)~~ *a*) A person designated as the person with authority to make an
8 anatomical gift of all or part of the body of the decedent in an advance
9 directive or an affidavit executed in accordance with subsection 6;
10 ~~(c) A person who:~~
11 ~~(1) Held real property in joint tenancy with the decedent;~~
12 ~~(2) Maintained a joint bank account with the decedent;~~
13 ~~(3) Is the majority beneficiary of a life insurance policy of the~~
14 ~~decedent; or~~
15 ~~(4) Is a dependent insured by a policy of health insurance of the~~
16 ~~decedent;~~
17 ~~(d)~~ An adult son or daughter of the decedent;
18 ~~(e)~~ *d*) Either parent of the decedent;
19 ~~(f)~~ *e*) An adult brother or sister of the decedent;
20 ~~(g)~~ *f*) A grandparent of the decedent; and
21 ~~(h)~~ *g*) A guardian of the person of the decedent at the time of death.

22 The legal procedure for authorization must be defined and established by
23 the Committee on Anatomical Dissection established by the University and
24 Community College System of Nevada.

25 2. An anatomical gift may not be made by a person listed in
26 subsection 1 if:

- 27 (a) A person in a prior class is available at the time of death to make an
28 anatomical gift;
29 (b) The person proposing to make an anatomical gift knows of a
30 refusal or contrary indications by the decedent; or
31 (c) The person proposing to make an anatomical gift knows of an
32 objection to making an anatomical gift by a member of the person's class
33 or a prior class.

34 3. An anatomical gift by a person authorized under subsection 1 must
35 be made by:

- 36 (a) A document of gift signed by him; or
37 (b) His telegraphic, recorded telephonic or other recorded message, or
38 other form of communication from him that is contemporaneously reduced
39 to writing and signed by the recipient.

40 4. An anatomical gift by a person authorized under subsection 1 may
41 be revoked by any member of the same or a prior class if, before
42 procedures have begun for the removal of a part from the body of the
43 decedent, the physician, technician or enucleator removing the part knows
44 of the revocation.

1 5. A failure to make an anatomical gift under subsection 1 is not an
2 objection to the making of an anatomical gift.

3 6. A person age 18 or older wishing to authorize another person to
4 make an anatomical gift of all or part of his body in the event of his
5 death may execute an affidavit before a notary public in substantially the
6 following form:

7 State of Nevada }
8 }ss.
9 County of..... }

10 (Date).....

11 I,, (person authorizing another person to make
12 an anatomical gift of his body in the event of his death) do hereby
13 designate (person who is being authorized to make
14 an anatomical gift of the body of another person in the event of his
15 death) to make an anatomical gift of all or part of my body in the event
16 of my death for authorized purposes and in accordance with the
17 procedure for authorization defined and established by the Committee on
18 Anatomical Dissection established by the University and Community
19 College System of Nevada.

20 Subscribed and sworn to before me this
21 day of the month of of the year.....

22

23 (Notary Public)

24 Sec. 7. NRS 451.650 is hereby amended to read as follows:

25 451.650 1. The following persons, in the following order of priority,
26 may order the cremation of human remains of a deceased person:

27 ~~(a)~~ (b) The surviving spouse;

28 ~~(b)~~ ~~(a)~~ A person designated as the person with authority to order the
29 cremation of the human remains of the decedent in an advance directive
30 or an affidavit executed in accordance with subsection 5;

31 ~~(c) A person who:~~

32 ~~(1) Held real property in joint tenancy with the decedent;~~

33 ~~(2) Maintained a joint bank account with the decedent;~~

34 ~~(3) Is the majority beneficiary of a life insurance policy of the~~
35 ~~decedent; or~~

36 ~~(4) Is a dependent insured by a policy of health insurance of the~~
37 ~~decedent;~~

38 ~~(#)~~ A majority of the adult children;

39 ~~{(e)}~~ ~~(#)~~ ~~(d)~~ The living parents jointly; or

40 ~~d)~~ ~~(#)~~ ~~(e)~~ The decedent's guardian or personal representative.

41 2. If the deceased person was an indigent or other person for the final
42 disposition of whose remains a county or the State is responsible, the
43 appropriate public officer may order cremation of the remains and provide
44 for the respectful disposition of the cremated remains.

1 3. If the deceased person donated his body for scientific research or,
2 before his death, a medical facility was made responsible for his final
3 disposition, a representative of the scientific institution or medical facility
4 may order cremation of his remains.

5 4. A living person may order the cremation of human remains
6 removed from his body or the cremation of his body after his death. In the
7 latter case, any person acting pursuant to his instructions is an authorized
8 agent.

9 5. *A person age 18 or older wishing to give authority to another*
10 *person to order the cremation of his human remains upon his death may*
11 *execute an affidavit before a notary public in substantially the following*
12 *form:*

13 *State of Nevada }
14 }ss.
15 County of..... }*

16 *(Date).....*

17 *I,, (person authorizing another person to*
18 *order the cremation of his human remains upon his death) do hereby*
19 *designate(person who is being authorized to order*
20 *the cremation of the human remains of another person in the event of*
21 *his death) to order the cremation of my human remains upon my death.*

22 *Subscribed and sworn to before me this
23 day of the month of of the year.....*

24 *.....*

25 *(Notary Public)*

26 **Sec. 8.** This act becomes effective on July 1, 2003.

H