

SENATE BILL NO. 386—COMMITTEE ON HUMAN
RESOURCES AND FACILITIES

MARCH 17, 2003

Referred to Committee on Human Resources and Facilities

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

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

AN ACT relating to health care; expanding the rights of patients of certain health care facilities to certain visitation privileges; providing that a person may designate certain other persons to make anatomical gifts or order the burial or cremation of the human remains of the person upon death; and providing other matters properly relating thereto.

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
- 2 thereto 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*
- 4 *section 3 of this act, unless the context otherwise requires,*
- 5 *“family” includes any person who plays a significant role in the*
- 6 *life of a patient, including, without limitation, a person who is not*
- 7 *legally related to the patient.*
- 8 **Sec. 3.** *1. If, as a result of the incapacitation of the patient*
- 9 *or his inability to communicate, a patient of a medical facility,*
- 10 *facility for the dependent or home for individual residential care is*
- 11 *unable to inform the staff of the facility of the persons that qualify*
- 12 *as family of the patient, the facility shall allow visitation rights in*



1 *accordance with the visitation policies of the facility to any person*
2 *designated as family of the patient in an affidavit executed in*
3 *accordance with subsection 2.*

4 *2. A person wishing to designate a person as family for the*
5 *purposes of establishing visitation rights in a medical facility,*
6 *facility for the dependent or home for individual residential care*
7 *may execute an affidavit before a notary public in substantially the*
8 *following form:*

9 *State of Nevada }
10 }ss.
11 County of.....}
12 (Date).....*

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

25 *Subscribed and sworn to before me this*
26 *day of the month of of the year.....*

27 *.....
28 (Notary Public)*

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

31 *A person wishing to authorize another person to order the*
32 *burial of his human remains in the event of his death may execute*
33 *an affidavit before a notary public in substantially the following*
34 *form:*

35 *State of Nevada }
36 }ss.
37 County of.....}
38 (Date).....*

39 *I,, (person authorizing another person to*
40 *order the burial of his human remains in the event of his death)*
41 *do hereby designate (person who is being*
42 *authorized to order the burial of the human remains of a person in*
43 *the event of his death) to order the burial of my human remains*
44 *upon my death.*

45 *Subscribed and sworn to before me this*



1 *day of the month of of the year.....*

2

3 *(Notary Public)*

4 **Sec. 5.** NRS 451.005 is hereby amended to read as follows:
5 451.005 As used in NRS 451.010 to 451.470, inclusive, *and*
6 *section 4 of this act, unless the context otherwise requires*, “human
7 remains” or “remains” means the body of a deceased person, and
8 includes the body in any stage of decomposition and the cremated
9 remains of a body.

10 **Sec. 6.** NRS 451.557 is hereby amended to read as follows:
11 451.557 1. Any member of the following classes of persons,
12 in the order of the priority listed, may make an anatomical gift of all
13 or a part of the decedent’s body for an authorized purpose, unless
14 the decedent, at the time of death, has made an unrevoked refusal to
15 make that anatomical gift:

- 16 (a) The spouse of the decedent;
- 17 (b) *A person designated as the person with authority to make*
18 *an anatomical gift of all or part of the body of the decedent in an*
19 *affidavit executed in accordance with subsection 6;*
- 20 (c) *A person who:*
 - 21 (1) *Held real property in joint tenancy with the decedent;*
 - 22 (2) *Maintained a joint bank account with the decedent;*
 - 23 (3) *Is the majority beneficiary of a life insurance policy of*
24 *the decedent; or*
 - 25 (4) *Is a dependent insured by a policy of health insurance*
26 *of the decedent;*
- 27 (d) An adult son or daughter of the decedent;
- 28 ~~(e)~~ (e) Either parent of the decedent;
- 29 ~~(f)~~ (f) An adult brother or sister of the decedent;
- 30 ~~(g)~~ (g) A grandparent of the decedent; and
- 31 ~~(h)~~ (h) A guardian of the person of the decedent at the time of
32 death.

33 The legal procedure for authorization must be defined and
34 established by the Committee on Anatomical Dissection established
35 by the University and Community College System of Nevada.

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

- 38 (a) A person in a prior class is available at the time of death to
39 make an anatomical gift;
- 40 (b) The person proposing to make an anatomical gift knows of a
41 refusal or contrary indications by the decedent; or
- 42 (c) The person proposing to make an anatomical gift knows of
43 an objection to making an anatomical gift by a member of the
44 person’s class or a prior class.



1 3. An anatomical gift by a person authorized under subsection
2 1 must be made by:

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

7 4. An anatomical gift by a person authorized under subsection
8 1 may be revoked by any member of the same or a prior class if,
9 before procedures have begun for the removal of a part from the
10 body of the decedent, the physician, technician or enucleator
11 removing the part knows of the revocation.

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

14 **6. A person wishing to authorize another person to make an**
15 **anatomical gift of all or part of his body in the event of his death**
16 **may execute an affidavit before a notary public in substantially the**
17 **following form:**

18 *State of Nevada* }
 19 }ss.
 20 *County of.....* }

21 (Date).....

22 **I,, (person authorizing another person to**
23 **make an anatomical gift of his body in the event of his death) do**
24 **hereby designate (person who is being**
25 **authorized to make an anatomical gift of the body of another**
26 **person in the event of his death) to make an anatomical gift of all**
27 **or part of my body in the event of my death for authorized**
28 **purposes and in accordance with the procedure for authorization**
29 **defined and established by the Committee on Anatomical**
30 **Dissection established by the University and Community College**
31 **System of Nevada.**

32 **Subscribed and sworn to before me this
33 day of the month of of the year.....**

34
35 **(Notary Public)**

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

37 451.650 1. The following persons, in the following order of
38 priority, may order the cremation of human remains of a deceased
39 person:

- 40 (a) The surviving spouse;
- 41 (b) **A person designated as the person with authority to order**
42 **the cremation of the human remains of the decedent in an**
43 **affidavit executed in accordance with subsection 5;**
- 44 (c) **A person who:**
45 (1) **Held real property in joint tenancy with the decedent;**



1 (2) *Maintained a joint bank account with the decedent;*
2 (3) *Is the majority beneficiary of a life insurance policy of*
3 *the decedent; or*

4 (4) *Is a dependent insured by a policy of health insurance*
5 *of the decedent;*

6 (d) A majority of the adult children;
7 ~~(e)~~ (e) The living parents jointly; or
8 ~~(f)~~ (f) The decedent's guardian or personal representative.

9 2. If the deceased person was an indigent or other person for
10 the final disposition of whose remains a county or the State is
11 responsible, the appropriate public officer may order cremation of
12 the remains and provide for the respectful disposition of the
13 cremated remains.

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

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

22 5. *A person wishing to give authority to another person to*
23 *order the cremation of his human remains upon his death may*
24 *execute an affidavit before a notary public in substantially the*
25 *following form:*

26 *State of Nevada }
27 }ss.
28 County of..... }*

29 (Date).....

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

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

38
39 (Notary Public)

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

