

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 public health; 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; revising related provisions governing the priority of persons authorized to make decisions concerning anatomical gifts, burial and cremation of human remains on behalf of a decedent; 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 a new section to read as follows:

3 *1. If, as a result of the incapacitation of the patient or his*
4 *inability to communicate, a patient of a medical facility, facility for*
5 *the dependent or home for individual residential care who is 18*
6 *years of age or older is unable to inform the staff of the facility or*
7 *home of the persons whom the patient authorizes to visit the*
8 *patient at the facility or home, the facility or home shall allow*
9 *visitation rights to any person designated by the patient in a letter,*



* S B 3 8 6 R 2 *

1 *form or other document authorizing visitation executed in*
2 *accordance with subsection 2. The visitation rights required by*
3 *this subsection must be:*

4 *(a) Provided in accordance with the visitation policies of the*
5 *facility or home; and*

6 *(b) The same visitation rights that are provided to a member of*
7 *the patient's family who is legally related to the patient.*

8 *2. A person 18 years of age or older wishing to designate a*
9 *person for the purposes of establishing visitation rights in a*
10 *medical facility, facility for the dependent or home for individual*
11 *residential care may execute a letter, form or other document*
12 *authorizing visitation in substantially the following form:*

13 *(Date).....*

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

26 *.....*

27 *(Signed)*

28 **Sec. 2.** NRS 449.730 is hereby amended to read as follows:

29 449.730 1. Every medical facility, facility for the dependent
30 and home for individual residential care shall inform each patient or
31 his legal representative, upon his admission to the facility or home,
32 of the patient's rights as listed in NRS 449.700, 449.710 and
33 449.720 **[H]**, and section 1 of this act.

34 2. In addition to the requirements of subsection 1, if a person
35 with a disability is a patient at a facility, as that term is defined in
36 NRS 449.771, the facility shall inform the patient of his rights
37 pursuant to NRS 449.765 to 449.786, inclusive.

38 **Sec. 3.** Chapter 451 of NRS is hereby amended by adding
39 thereto a new section to read as follows:

40 *1. The following persons, in the following order of priority,*
41 *may order the burial of human remains of a deceased person:*

42 *(a) A person designated as the person with authority to order*
43 *the burial of the human remains of the decedent in a legally valid*
44 *document or in an affidavit executed in accordance with*
45 *subsection 5;*



- 1 (b) *The spouse of the decedent;*
- 2 (c) *An adult son or daughter of the decedent;*
- 3 (d) *Either parent of the decedent;*
- 4 (e) *An adult brother or sister of the decedent;*
- 5 (f) *A grandparent of the decedent;*
- 6 (g) *A guardian of the person of the decedent at the time of*
- 7 *death; and*
- 8 (h) *A person who held the primary domicile of the decedent in*
- 9 *joint tenancy with the decedent at the time of death.*

10 2. *If the deceased person was an indigent or other person for*
 11 *whom the final disposition of the decedent's remains is a*
 12 *responsibility of a county or the State, the appropriate public*
 13 *officer may order the burial of the remains and provide for the*
 14 *respectful disposition of the remains.*

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

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

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

28 *State of Nevada }
 29 }ss.
 30 County of..... }
 31 (Date).....*

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

38 *Subscribed and sworn to before me this
 39 day of the month of of the year.....
 40*

41 *(Notary Public)*

42 **Sec. 4.** NRS 451.005 is hereby amended to read as follows:
 43 451.005 As used in NRS 451.010 to 451.470, inclusive, *and*
 44 *section 3 of this act, unless the context otherwise requires,* "human
 45 remains" or "remains" means the body of a deceased person, and



1 includes the body in any stage of decomposition and the cremated
2 remains of a body.

3 **Sec. 5.** NRS 451.557 is hereby amended to read as follows:

4 451.557 1. Any member of the following classes of persons,
5 in the order of the priority listed, may make an anatomical gift of all
6 or a part of the decedent's body for an authorized purpose, unless
7 the decedent, at the time of death, has made an unrevoked refusal to
8 make that anatomical gift:

9 (a) *A person designated as the person with authority to make
10 an anatomical gift of all or part of the body of the decedent in a
11 legally valid document or in an affidavit executed in accordance
12 with subsection 6;*

13 (b) The spouse of the decedent;

14 ~~[(b)]~~ (c) An adult son or daughter of the decedent;

15 ~~[(c)]~~ (d) Either parent of the decedent;

16 ~~[(d)]~~ (e) An adult brother or sister of the decedent;

17 ~~[(e)]~~ (f) A grandparent of the decedent; ~~and~~

18 ~~[(f)]~~ (g) A guardian of the person of the decedent at the time of
19 death ~~and~~ ; *and*

20 (h) *A person who held the primary domicile of the decedent in
21 joint tenancy with the decedent at the time of death.*

22 The legal procedure for authorization must be defined and
23 established by the Committee on Anatomical Dissection established
24 by the University and 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
28 make an 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
32 an objection to making an anatomical gift by a member of the
33 person's class or a prior class.

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

36 (a) A document of gift signed by him; or

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

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



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

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

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

10 *(Date).....*

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

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

23 *.....*

24 *(Notary Public)*

25 **Sec. 6.** NRS 451.650 is hereby amended to read as follows:
26 451.650 1. The following persons, in the following order of
27 priority, may order the cremation of human remains of a deceased
28 person:

- 29 ~~“(a) [The surviving spouse;~~
30 ~~—(b) A majority of the adult children;~~
31 ~~—(c) The living parents jointly; or~~
32 ~~—(d) The decedent’s guardian or personal representative.] A~~
33 *person designated as the person with authority to order the*
34 *cremation of the human remains of the decedent in a legally valid*
35 *document or in an affidavit executed in accordance with*
36 *subsection 5;*

- 37 *(b) The spouse of the decedent;*
38 *(c) An adult son or daughter of the decedent;*
39 *(d) Either parent of the decedent;*
40 *(e) An adult brother or sister of the decedent;*
41 *(f) A grandparent of the decedent;*
42 *(g) A guardian of the person of the decedent at the time of*
43 *death; and*
44 *(h) A person who held the primary domicile of the decedent in*
45 *joint tenancy with the decedent at the time of death.*



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

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

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

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

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

21 *(Date).....*
22 *I,, (person authorizing another person*
23 *to order the cremation of his human remains upon his death) do*
24 *hereby designate(person who is being*
25 *authorized to order the cremation of the human remains of*
26 *another person in the event of his death) to order the cremation of*
27 *my human remains upon my death.*

28 *Subscribed and sworn to before me this*
29 *day of the month of of the year.....*
30 *.....*

31 *(Notary Public)*

32 **Sec. 7.** This act becomes effective on July 1, 2003.

