

SENATE BILL NO. 387—SENATORS KIECKHEFER AND RATTI

MARCH 20, 2019

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to anatomical gifts.
(BDR 40-882)

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

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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 anatomical gifts; providing for the certification of nontransplant anatomical donation organizations; requiring the collection of certain information relating to the procurement of human bodies and parts; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law generally provides for the making of anatomical gifts and for the
2 procurement of human organs, tissues and eyes by certain organizations. (NRS
3 451.500-451.598) **Section 1** of this bill requires each nontransplant anatomical
4 donation organization in this State to be certified by the Division of Public and
5 Behavioral Health of the Department of Health and Human Services, follow certain
6 standards and guidelines established by the Division and report information relating
7 to the human bodies and parts procured by the organization to the Division. **Section**
8 **1** requires the standards and guidelines established by the Division to be
9 substantially based upon federal and state laws and the standards and guidelines of
10 certain organizations relating to the procurement of human bodies and parts and
11 requires the Division to seek the input of procurement organizations and
12 nontransplant anatomical donation organizations in this State before establishing or
13 revising such standards and guidelines. **Section 1** also requires the Division to
14 make certain information regarding the human bodies and parts collected by
15 nontransplant anatomical donation organizations available to the Governor and the
16 Legislature upon request and to monitor all nontransplant anatomical donation
17 organizations for compliance with federal and state laws and regulations. **Sections**
18 **2-6** of this bill make conforming changes.



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

1 **Section 1.** Chapter 451 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 ***1. Each nontransplant anatomical donation organization that***
4 ***procures a human body or part in this State shall:***

5 ***(a) Be certified by the Division;***

6 ***(b) Follow the standards and guidelines established by the***
7 ***Division pursuant to subsection 2; and***

8 ***(c) Report to the Division, in a manner and frequency***
9 ***prescribed by the Division, the number and disposition of human***
10 ***bodies or parts procured by the nontransplant anatomical***
11 ***donation organization.***

12 ***2. The Division shall, by regulation, establish standards and***
13 ***guidelines for nontransplant anatomical donation organizations.***
14 ***The standards and guidelines adopted by the Division must be***
15 ***substantially based upon federal laws and regulations relating to***
16 ***the procurement of human bodies and parts, this section and NRS***
17 ***451.500 to 451.598, inclusive, and the standards and guidelines of***
18 ***the American Association of Tissue Banks and the Eye Bank***
19 ***Association of America or their successor organizations.***

20 ***3. Before adopting or amending any regulation pursuant to***
21 ***subsection 2, the Division shall seek input from each procurement***
22 ***organization and nontransplant anatomical donation organization***
23 ***in this State.***

24 ***4. The Division shall:***

25 ***(a) Collect and analyze information from each nontransplant***
26 ***anatomical donation organization in this State on the number and***
27 ***disposition of human bodies and parts procured by the***
28 ***nontransplant anatomical donation organization and make such***
29 ***information available to the Governor and the Legislature upon***
30 ***request;***

31 ***(b) Monitor all nontransplant anatomical donation***
32 ***organizations in this State for compliance with federal and state***
33 ***laws and regulations; and***

34 ***(c) Adopt any regulations necessary to carry out the provisions***
35 ***of this section, including without limitation, regulations that***
36 ***establish a fee for an application for the issuance or renewal of a***
37 ***certification as a nontransplant anatomical donation organization.***

38 ***5. A person who engages in the activity of a nontransplant***
39 ***anatomical donation organization without being certified by the***
40 ***Division pursuant to this section or who violates the standards and***
41 ***guidelines adopted by the Division pursuant to subsection 2 is***
42 ***guilty of a category C felony and shall be punished as provided in***



1 *NRS 193.130, or by a fine of not more than \$50,000, or by both*
2 *fine and the punishment provided in NRS 193.130.*

3 6. As used in this section:

4 (a) "Division" means the Division of Public and Behavioral
5 Health of the Department of Health and Human Services.

6 (b) "Nontransplant anatomical donation organization" means
7 a person who engages in the recovery, screening, testing,
8 processing, storage or distribution of human bodies or parts for a
9 purpose other than transplantation, including, without limitation,
10 education, research or the advancement of medical, dental or
11 mortuary science.

12 **Sec. 2.** NRS 451.503 is hereby amended to read as follows:

13 451.503 NRS 451.500 to 451.598, inclusive, *and section 1 of*
14 *this act* apply to an anatomical gift or amendment to, revocation of
15 or refusal to make an anatomical gift, whenever made.

16 **Sec. 3.** NRS 451.510 is hereby amended to read as follows:

17 451.510 As used in NRS 451.500 to 451.598, inclusive, *and*
18 *section 1 of this act*, unless the context otherwise requires, the
19 words and terms defined in NRS 451.511 to 451.5545, inclusive,
20 have the meanings ascribed to them in those sections.

21 **Sec. 4.** NRS 451.592 is hereby amended to read as follows:


22 451.592 1. A person that acts in accordance with NRS
23 451.500 to 451.598, inclusive, *and section 1 of this act* or with the
24 applicable anatomical gift law of another state, or attempts in good
25 faith to do so, is not liable for the act in a civil action, criminal
26 prosecution or administrative proceeding.

27 2. Neither the person making an anatomical gift nor the
28 donor's estate is liable for any injury or damage that results from the
29 making or use of the gift.

30 3. In determining whether an anatomical gift has been made,
31 amended or revoked under NRS 451.500 to 451.598, inclusive, *and*
32 *section 1 of this act*, a person may rely upon representations of a
33 natural person listed in paragraph (b), (c), (d), (e), (f), (g) or (h) of
34 subsection 1 of NRS 451.566 relating to the natural person's
35 relationship to the donor or prospective donor unless the person
36 knows that the representation is untrue.

37 **Sec. 5.** NRS 451.593 is hereby amended to read as follows:

38 451.593 1. A document of gift is valid if executed in
39 accordance with:

40 (a) The provisions of NRS 451.500 to 451.598, inclusive ,
41 *and section 1 of this act*;

42 (b) The laws of the state or country where it was executed; or

43 (c) The laws of the state or country where the person making the
44 anatomical gift was domiciled, has a place of residence or was a
45 national at the time the document of gift was executed.



1 2. If a document of gift is valid under this section, the law of
2 this State governs the interpretation of the document of gift.

3 3. A person may presume that a document of gift or
4 amendment of an anatomical gift is valid unless that person knows
5 that it was not validly executed or was revoked.

6 **Sec. 6.** NRS 451.594 is hereby amended to read as follows:

7 451.594 1. A person shall not create or maintain a donor
8 registry unless the donor registry complies with the provisions of
9 NRS 451.500 to 451.598, inclusive, *and section 1 of this act* and all
10 other applicable provisions of federal and state law.

11 2. A donor registry must:

12 (a) Allow a donor or other person authorized under NRS
13 451.556 to include on the donor registry a statement or symbol that
14 the donor has made, amended or revoked an anatomical gift;

15 (b) Be accessible to a procurement organization to allow it to
16 obtain relevant information on the donor registry to determine, at or
17 near death of the donor or a prospective donor, whether the donor or
18 prospective donor has made, amended or revoked an anatomical
19 gift; and

20 (c) Be accessible for purposes of paragraphs (a) and (b) 7 days a
21 week on a 24-hour basis.

22 3. Personally identifiable information on a donor registry about
23 a donor or prospective donor may not be used or disclosed without
24 the express consent of the donor, prospective donor or person that
25 made the anatomical gift for any purpose other than to determine, at
26 or near death of the donor or prospective donor, whether the donor
27 or prospective donor has made, amended or revoked an anatomical
28 gift.

29 4. This section does not apply to a donor registry that is created
30 to contain records of anatomical gifts and amendments to or
31 revocations of anatomical gifts of only the whole body of a donor
32 for the purpose of research or education.

33 **Sec. 7.** This act becomes effective on July 1, 2019.

