

State of Arizona
House of Representatives
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1996

FILED

**Jane Dee Hull
Secretary of State**

CHAPTER 333
HOUSE BILL 2315

AN ACT

AMENDING SECTION 11-594, ARIZONA REVISED STATUTES; REPEALING SECTIONS 28-422.03 AND 28-1609, ARIZONA REVISED STATUTES; REPEALING TITLE 36, CHAPTER 7, ARTICLES 3 AND 3.1; AMENDING TITLE 36, CHAPTER 7, ARIZONA REVISED STATUTES, BY ADDING A NEW ARTICLE 3; AMENDING SECTION 36-3224, ARIZONA REVISED STATUTES; RELATING TO THE REVISED ARIZONA ANATOMICAL GIFT ACT.

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 11-594, Arizona Revised Statutes, is amended to
3 read:

4 11-594. Powers and duties of county medical examiner

5 A. The county medical examiner or a licensed physician employed to
6 perform such functions shall:

7 1. Be responsible for medical examination or autopsy of a human body
8 when death occurred under any of the circumstances set forth in section
9 11-593, subsection A.

10 2. Take charge of the dead body of which ~~he~~ THE MEDICAL EXAMINER is
11 notified and, after making inquiries regarding the cause and manner of death,
12 examine the body.

13 3. Certify to the cause and manner of death following a medical
14 examination or an autopsy, or both.

15 4. Make inquiries regarding the cause and manner of death, reduce ~~his~~
16 THE findings to writing and promptly make a full report on forms prescribed
17 for ~~such~~ THAT purpose.

18 5. Execute a death certificate provided by the state registrar of
19 vital statistics indicating the cause as well as the manner of death for
20 those bodies on which a medical examination or autopsy is performed.

1 6. Notify the county attorney when death is found to be from other
2 than natural causes.

3 7. Notify the appropriate city, town, county or state law enforcement
4 agency if further investigation by such agency appears necessary.

5 8. Carry out the duties specified under section 28-668.

6 9. Carry out the duties specified under title 36, chapter 7, article
7 ~~3-1~~ 3.

8 B. The county medical examiner may:

9 1. Appoint ~~such~~ qualified professional, technical and clerical
10 personnel as necessary for the administration of the office, subject to
11 approval of the board of supervisors.

12 2. Authorize qualified practicing physicians in local areas to perform
13 medical examinations required of the county medical examiner. ~~Such~~
14 Authorization and the amount to be paid by the county for ~~such~~ PHYSICIAN
15 services are subject to approval of the board of supervisors.

16 C. The county medical examiner or a licensed physician employed to
17 perform ~~such~~ THESE functions may:

18 1. Authorize the taking of anatomical gifts as they prove to be usable
19 for transplants or other treatment or therapy if all of the requirements of
20 title 36, chapter 7, article 3 are met. THE MEDICAL EXAMINER SHALL GIVE THIS
21 AUTHORIZATION WITHIN A TIME PERIOD THAT PERMITS A MEDICALLY VIABLE DONATION.

22 2. Authorize licensed OR AUTHORIZED physicians, SURGEONS OR TRAINED
23 TECHNICIANS who remove parts of bodies ~~pursuant to title 36, chapter 7,~~
24 ~~article 3~~ to perform any part of a necessary medical examination provided
25 they follow a protocol established by the medical examiner or a person
26 authorized to act as the medical examiner.

27 3. Limit the removal of organs or tissues for transplants or other
28 therapy or treatment IF, BASED ON A PHYSICAL EXAMINATION OF THE BODY WITHIN
29 A TIME THAT PERMITS A MEDICALLY VIABLE DONATION, ~~if~~ their removal ~~interferes~~
30 WOULD INTERFERE with a medical examination, autopsy or certification of
31 death. IF THE MEDICAL EXAMINER LIMITS THE REMOVAL OF ORGANS OR TISSUE, THE
32 MEDICAL EXAMINER SHALL PROVIDE A WRITTEN EXPLANATION OF THIS DECISION TO THE
33 ORGAN PROCUREMENT AGENCY WITHIN THREE WORKING DAYS OF THE PHYSICAL
34 EXAMINATION.

35 D. ~~When~~ IF a dispute arises over the findings of the medical
36 examiner's report, the medical examiner shall, upon an order of the superior
37 court, make available all evidence and documentation to a court-designated
38 licensed forensic pathologist for examination, and the results of ~~such~~ THE
39 examination shall be reported to the superior court in the county issuing the
40 order.

41 E. FOR PROVIDING MEDICAL EXAMINATIONS AND REPORTS PURSUANT TO
42 SUBSECTION C OF THIS SECTION, THE MEDICAL EXAMINER MAY CHARGE A FEE
43 ESTABLISHED BY THE BOARD OF SUPERVISORS PURSUANT TO SECTION 11-251.08.

1 Sec. 2. Repeal

2 Sections 28-422.03 and 28-1609, Arizona Revised Statutes, are repealed.

3 Sec. 3. Repeal

4 Title 36, chapter 7, articles 3 and 3.1, Arizona Revised Statutes, are
5 repealed.

6 Sec. 4. Title 36, chapter 7, Arizona Revised Statutes, is amended by
7 adding a new article 3, to read:

8 ARTICLE 3. REVISED ARIZONA ANATOMICAL GIFT ACT

9 36-841. Definitions

10 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

11 1. "ANATOMICAL GIFT" MEANS A DONATION OF ALL OR PART OF A HUMAN BODY
12 TO TAKE EFFECT ON OR AFTER DEATH.

13 2. "DECEDENT" MEANS A DECEASED PERSON AND INCLUDES A STILLBORN INFANT.

14 3. "DOCUMENT OF GIFT" MEANS A CARD, A WILL OR ANY OTHER WRITING USED
15 TO MAKE AN ANATOMICAL GIFT.

16 4. "DONOR" MEANS A PERSON WHO MAKES AN ANATOMICAL GIFT OF ALL OR PART
17 OF THE PERSON'S BODY.

18 5. "HOSPITAL" MEANS A FACILITY LICENSED, ACCREDITED OR APPROVED UNDER
19 THE LAWS OF ANY STATE FOR STORAGE OF HUMAN BODIES OR PARTS.

20 6. "ORGAN PROCUREMENT AGENCY" MEANS ANY ORGAN, TISSUE OR EYE BANK OR
21 STORAGE FACILITY THAT IS LICENSED, ACCREDITED OR APPROVED UNDER THE LAWS OF
22 ANY STATE FOR THE STORAGE OF HUMAN BODIES OR PARTS.

23 7. "ORGAN PROCUREMENT ORGANIZATION" MEANS AN ORGANIZATION LOCATED
24 WITHIN THIS STATE THAT MEETS THE REQUIREMENTS OF SECTION 371 OF THE PUBLIC
25 HEALTH SERVICE ACT (42 UNITED STATES CODE SECTION 273).

26 8. "PART" MEANS ANY ORGAN, TISSUE, EYE, BONE, ARTERY, BLOOD, FLUID OR
27 OTHER PORTION OF A HUMAN BODY.

28 9. "PERSON" MEANS AN INDIVIDUAL, CORPORATION, BUSINESS TRUST, ESTATE,
29 TRUST, PARTNERSHIP, JOINT VENTURE, ASSOCIATION, GOVERNMENT, GOVERNMENTAL
30 SUBDIVISION OR AGENCY, OR ANY OTHER LEGAL OR COMMERCIAL ENTITY.

31 10. "PHYSICIAN" OR "SURGEON" MEANS A PERSON WHO IS LICENSED OR
32 AUTHORIZED TO PRACTICE ALLOPATHIC OR OSTEOPATHIC MEDICINE OR SURGERY UNDER
33 THE LAWS OF ANY STATE.

34 11. "STATE" MEANS A STATE, TERRITORY OR POSSESSION OF THE UNITED STATES
35 AND INCLUDES THE DISTRICT OF COLUMBIA AND THE COMMONWEALTH OF PUERTO RICO.

36 12. "TRAINED TECHNICIAN" MEANS A PERSON CERTIFIED BY THE ORGAN
37 PROCUREMENT AGENCY TO REMOVE PARTS.

38 36-842. Anatomical gifts; execution; amendment; revocation;
39 refusal

40 A. A PERSON WHO IS AT LEAST EIGHTEEN YEARS OF AGE MAY:

41 1. MAKE AN ANATOMICAL GIFT FOR ANY OF THE PURPOSES STATED IN SECTION
42 36-846, SUBSECTION A.

43 2. LIMIT AN ANATOMICAL GIFT TO ONE OR MORE OF THOSE PURPOSES.

44 3. REFUSE TO MAKE AN ANATOMICAL GIFT.

1 B. A PERSON MAY MAKE AN ANATOMICAL GIFT ONLY BY A DOCUMENT OF GIFT
2 SIGNED BY THE DONOR. IF THE DONOR CANNOT SIGN, THE DOCUMENT OF GIFT SHALL
3 BE SIGNED BY ANOTHER PERSON AND BY TWO WITNESSES WHO SIGN AT THE DIRECTION
4 AND IN THE PRESENCE OF THE DONOR AND OF EACH OTHER AND WHO STATE IN THE
5 DOCUMENT THAT IT HAS BEEN SIGNED IN THIS MANNER.

6 C. A PERSON WHO HAS EXECUTED A DOCUMENT OF GIFT MAY PLACE A LABEL
7 DESIGNATED BY AN ORGAN PROCUREMENT ORGANIZATION ON THE PERSON'S DRIVER
8 LICENSE TO NOTIFY OTHERS OF THE DOCUMENT OF GIFT. IF A DOCUMENT OF GIFT IS
9 ATTACHED TO OR IMPRINTED ON A DONOR'S DRIVER LICENSE, THE DOCUMENT OF GIFT
10 SHALL COMPLY WITH THE REQUIREMENTS OF SUBSECTION B OF THIS SECTION.
11 REVOCATION, SUSPENSION, EXPIRATION OR CANCELLATION OF THE LICENSE DOES NOT
12 INVALIDATE THE ANATOMICAL GIFT.

13 D. A DOCUMENT OF GIFT MAY DESIGNATE A PARTICULAR PHYSICIAN, SURGEON
14 OR TRAINED TECHNICIAN TO CARRY OUT THE APPROPRIATE PROCEDURES. IN THE
15 ABSENCE OF A DESIGNATION OR IF THE DESIGNEE IS NOT AVAILABLE, THE DONEE OR
16 OTHER PERSON AUTHORIZED TO ACCEPT THE ANATOMICAL GIFT MAY EMPLOY OR AUTHORIZE
17 ANY PHYSICIAN, SURGEON OR TRAINED TECHNICIAN TO CARRY OUT THE APPROPRIATE
18 PROCEDURES.

19 E. AN ANATOMICAL GIFT BY WILL TAKES EFFECT ON THE TESTATOR'S DEATH,
20 WHETHER OR NOT THE WILL IS PROBATED. IF AFTER DEATH THE WILL IS DECLARED
21 INVALID FOR TESTAMENTARY PURPOSES, THE VALIDITY OF THE ANATOMICAL GIFT IS
22 UNAFFECTED.

23 F. A DONOR MAY AMEND OR REVOKE AN ANATOMICAL GIFT NOT MADE BY WILL
24 ONLY BY:

- 25 1. A SIGNED STATEMENT.
- 26 2. AN ORAL STATEMENT MADE IN THE PRESENCE OF TWO PERSONS.
- 27 3. ANY FORM OF COMMUNICATION DURING A TERMINAL ILLNESS OR INJURY THAT
28 IS ADDRESSED TO A PHYSICIAN OR SURGEON.
- 29 4. THE DELIVERY OF A SIGNED STATEMENT TO A SPECIFIED DONEE TO WHOM A
30 DOCUMENT OF GIFT HAD BEEN DELIVERED.

31 G. THE DONOR OF AN ANATOMICAL GIFT MADE BY WILL MAY AMEND OR REVOKE
32 THE GIFT IN THE MANNER PROVIDED FOR AMENDMENT OR REVOCATION OF WILLS OR AS
33 PROVIDED IN SUBSECTION F OF THIS SECTION.

34 H. AN ANATOMICAL GIFT THAT IS NOT REVOKED BY THE DONOR BEFORE DEATH
35 IS IRREVOCABLE AND DOES NOT REQUIRE THE CONSENT OR CONCURRENCE OF ANY PERSON
36 AFTER THE DONOR'S DEATH.

37 I. A PERSON MAY REFUSE TO MAKE AN ANATOMICAL GIFT OF THE PERSON'S BODY
38 OR PART BY:

- 39 1. A WRITING SIGNED IN THE SAME MANNER AS A DOCUMENT OF GIFT.
- 40 2. A STATEMENT ATTACHED TO OR IMPRINTED ON A DONOR'S DRIVER LICENSE.
- 41 3. ANY OTHER WRITING USED TO IDENTIFY THE PERSON AS REFUSING TO MAKE
42 AN ANATOMICAL GIFT.

43 J. DURING A TERMINAL ILLNESS OR INJURY A PERSON MAY INDICATE THE
44 PERSON'S REFUSAL BY AN ORAL STATEMENT OR ANY OTHER FORM OF COMMUNICATION.

1 K. IN THE ABSENCE OF CONTRARY INDICATIONS BY THE DONOR, AN ANATOMICAL
2 GIFT OF A PART IS NEITHER A REFUSAL TO GIVE OTHER PARTS NOR A LIMITATION ON
3 AN ANATOMICAL GIFT UNDER SECTION 36-843 OR ON A REMOVAL OR RELEASE OF OTHER
4 PARTS UNDER SECTION 36-844.

5 L. IN THE ABSENCE OF CONTRARY INDICATIONS BY THE DONOR, A REVOCATION
6 OR AMENDMENT OF AN ANATOMICAL GIFT IS NOT A REFUSAL TO MAKE ANOTHER
7 ANATOMICAL GIFT. IF THE DONOR INTENDS A REVOCATION TO BE A REFUSAL TO MAKE
8 AN ANATOMICAL GIFT, THE DONOR SHALL MAKE THE REFUSAL PURSUANT TO SUBSECTION
9 I OF THIS SECTION.

10 36-843. Actions by a third person

11 A. IF A PERSON HAS NOT EXECUTED A DOCUMENT OF GIFT OR HAS NOT REFUSED
12 TO MAKE AN ANATOMICAL GIFT, ANY MEMBER OF THE FOLLOWING CLASSES OF PERSONS,
13 IN THE ORDER OF PRIORITY STATED, MAY MAKE AN ANATOMICAL GIFT OF ALL OR A PART
14 OF THE DECEDENT'S BODY FOR ANY OF THE PURPOSES PRESCRIBED BY SECTION 36-846:

15 1. THE AGENT DESIGNATED IN THE DECEDENT'S HEALTH CARE POWER OF
16 ATTORNEY.

17 2. THE DECEDENT'S COURT APPOINTED GUARDIAN.

18 3. THE DECEDENT'S SPOUSE, UNLESS THE DECEDENT AND SPOUSE WERE LEGALLY
19 SEPARATED.

20 4. A PARENT OF THE DECEDENT.

21 5. AN ADULT CHILD OF THE DECEDENT. IF THE DECEDENT HAS MORE THAN ONE
22 ADULT CHILD THE HOSPITAL OR ORGAN PROCUREMENT AGENCY SHALL SEEK THE CONSENT
23 OF A MAJORITY OF THE ADULT CHILDREN WHO ARE REASONABLY AVAILABLE FOR
24 CONSULTATION.

25 6. AN ADULT BROTHER OR SISTER OF THE DECEDENT.

26 7. A CLOSE FRIEND OF THE DECEDENT. FOR THE PURPOSES OF THIS
27 PARAGRAPH, "CLOSE FRIEND" MEANS AN ADULT WHO EXHIBITED SPECIAL CARE AND
28 CONCERN FOR THE DECEDENT.

29 B. AN ANATOMICAL GIFT MAY NOT BE MADE BY A PERSON LISTED IN SUBSECTION
30 A OF THIS SECTION IF:

31 1. A PERSON IN A PRIOR CLASS IS AVAILABLE AT THE TIME OF DEATH TO MAKE
32 AN ANATOMICAL GIFT.

33 2. THE PERSON PROPOSING TO MAKE AN ANATOMICAL GIFT KNOWS OF A REFUSAL
34 BY THE DECEDENT.

35 3. THE PERSON PROPOSING TO MAKE AN ANATOMICAL GIFT KNOWS OF AN
36 OBJECTION TO THE MAKING AN ANATOMICAL GIFT BY A MEMBER OF THE PERSON'S CLASS
37 OR A PRIOR CLASS.

38 C. A PERSON LISTED IN SUBSECTION A OF THIS SECTION SHALL GIVE OR
39 REFUSE CONSENT TO AN ANATOMICAL GIFT BY EITHER:

40 1. SIGNING A DOCUMENT OF CONSENT OR REFUSAL TO CONSENT.

41 2. THE PERSON'S TELEGRAPHIC, RECORDED TELEPHONIC OR OTHER RECORDED
42 MESSAGE, OR OTHER FORM OF COMMUNICATION FROM THE PERSON THAT IS
43 CONTEMPORANEOUSLY REDUCED TO WRITING AND SIGNED BY THE RECIPIENT.

1 D. AN ANATOMICAL GIFT BY A PERSON AUTHORIZED UNDER SUBSECTION A OF
2 THIS SECTION MAY BE REVOKED BY ANY MEMBER OF THE SAME OR A PRIOR CLASS IF,
3 BEFORE PROCEDURES HAVE BEGUN FOR THE REMOVAL OF A PART FROM THE BODY OF THE
4 DECEDENT, THE PHYSICIAN, SURGEON OR TRAINED TECHNICIAN REMOVING THE PART IS
5 NOTIFIED OF THE REVOCATION.

6 E. A FAILURE TO MAKE AN ANATOMICAL GIFT UNDER SUBSECTION A OF THIS
7 SECTION IS NOT AN OBJECTION TO THE MAKING OF AN ANATOMICAL GIFT.

8 36-844. County medical examiners; authorization

9 A. THE MEDICAL EXAMINER MAY RELEASE AND PERMIT THE REMOVAL OF A PART
10 FROM A BODY WITHIN THAT OFFICIAL'S CUSTODY FOR TRANSPLANTATION, THERAPY OR
11 RESEARCH IF:

12 1. THE EXAMINER HAS RECEIVED A REQUEST FOR THE PART FROM A HOSPITAL,
13 PHYSICIAN, SURGEON OR ORGAN PROCUREMENT AGENCY.

14 2. THE EXAMINER OR ORGAN PROCUREMENT AGENCY HAS MADE A REASONABLE
15 EFFORT, TAKING INTO ACCOUNT THE USEFUL LIFE OF THE PART, TO LOCATE AND
16 EXAMINE THE DECEDENT'S MEDICAL RECORDS AND, IF THE DECEDENT HAS NOT EXECUTED
17 A DOCUMENT OF GIFT OR HAS NOT REFUSED TO MAKE AN ANATOMICAL GIFT, INFORM
18 PERSONS LISTED IN SECTION 36-843, SUBSECTION A OF THE PERSON'S OPTION TO
19 MAKE OR OBJECT TO MAKING AN ANATOMICAL GIFT.

20 3. THE OFFICIAL DOES NOT KNOW OF A REFUSAL BY THE DECEDENT OR AN
21 OBJECTION BY A PERSON HAVING PRIORITY TO ACT AS LISTED IN SECTION 36-843,
22 SUBSECTION A.

23 4. THE REMOVAL WILL BE BY A PHYSICIAN, SURGEON OR TRAINED TECHNICIAN.

24 5. THE REMOVAL WILL NOT INTERFERE WITH ANY AUTOPSY OR INVESTIGATION.

25 6. THE REMOVAL WILL BE IN ACCORDANCE WITH ACCEPTED MEDICAL STANDARDS.

26 7. COSMETIC RESTORATION WILL BE DONE, IF APPROPRIATE.

27 B. IF THE BODY IS NOT WITHIN THE CUSTODY OF THE MEDICAL EXAMINER, THE
28 COUNTY HEALTH OFFICER MAY RELEASE AND PERMIT THE REMOVAL OF ANY PART FROM THE
29 BODY IN THE COUNTY HEALTH OFFICER'S CUSTODY FOR TRANSPLANTATION, THERAPY OR
30 RESEARCH IF THE REQUIREMENTS OF SUBSECTION A OF THIS SECTION ARE MET.

31 C. AN OFFICIAL WHO RELEASES AND PERMITS THE REMOVAL OF A PART SHALL
32 MAINTAIN A PERMANENT RECORD OF THE NAME OF THE DECEDENT, THE PERSON MAKING
33 THE REQUEST, THE DATE AND PURPOSE OF THE REQUEST, THE PART REQUESTED AND THE
34 PERSON TO WHOM IT WAS RELEASED.

35 36-845. Hospitals; required request; search and notification;
36 immunity

37 A. THE PERSON IN CHARGE OF A HOSPITAL OR THE PERSON'S DESIGNEE SHALL
38 ESTABLISH AN ORGAN AND TISSUE PROCUREMENT FOR TRANSPLANT PROTOCOL THAT
39 INCLUDES THE NOTIFICATION OF AN APPROPRIATE ORGAN PROCUREMENT AGENCY, THAT
40 DESIGNATES HOSPITAL OR ORGAN PROCUREMENT AGENCY PERSONNEL WHO MAY OBTAIN
41 CONSENT TO DONATE AN ANATOMICAL GIFT PURSUANT TO SUBSECTION B OF THIS SECTION
42 AND THAT REQUIRES SPECIFIED TRAINING FOR THE PERSONNEL WHO REQUEST CONSENT.
43 AN ORGAN PROCUREMENT AGENCY SHALL PROVIDE THIS TRAINING.

1 B. IF AT OR NEAR THE TIME OF DEATH THERE IS NO MEDICAL RECORD THAT THE
2 DECEDENT HAS EXECUTED A DOCUMENT OF GIFT OR REFUSED TO MAKE AN ANATOMICAL
3 GIFT, THE HOSPITAL ADMINISTRATOR OR THE ADMINISTRATOR'S DESIGNEE SHALL MAKE
4 REASONABLE EFFORTS TO:

5 1. DISCUSS THE OPTION TO MAKE OR REFUSE TO MAKE AN ANATOMICAL GIFT
6 WITH THE APPROPRIATE PERSONS LISTED IN SECTION 36-843, SUBSECTION A.

7 2. OBTAIN THE WRITTEN CONSENT OR WRITTEN REFUSAL TO MAKE AN ANATOMICAL
8 GIFT FROM THE APPROPRIATE PERSONS LISTED IN SECTION 36-843, SUBSECTION A.

9 3. REQUEST THE MAKING OF AN ANATOMICAL GIFT PURSUANT TO SECTION
10 36-843. IF THE REQUEST IS MADE BY A REPRESENTATIVE OF AN ORGAN PROCUREMENT
11 AGENCY THAT PERSON SHALL MAKE REASONABLE EFFORTS TO FIRST CONSULT THE
12 ADMINISTRATOR OF THE HOSPITAL OR THE ADMINISTRATOR'S DESIGNEE TO ENSURE THAT
13 THE REQUEST IS MADE WITH REASONABLE DISCRETION AND SENSITIVITY TO THE
14 CIRCUMSTANCES OF THE APPROPRIATE SURROGATE DECISION MAKER.

15 C. AN ENTRY SHALL BE MADE IN THE MEDICAL RECORD OF THE PATIENT STATING
16 THE NAME AND AFFILIATION OF THE PERSON WHO MADE THE REQUEST AND THE NAME,
17 RESPONSE AND RELATIONSHIP TO THE PATIENT OF THE PERSON TO WHOM THE REQUEST
18 WAS MADE.

19 D. INFORMATION CONCERNING ORGAN OR TISSUE DONATION SOLICITED BY THE
20 HOSPITAL AT THE TIME OF HOSPITAL ADMISSION DOES NOT FULFILL A HOSPITAL'S
21 OBLIGATION TO REQUEST AN ANATOMICAL GIFT UNDER THIS SECTION.

22 E. A HOSPITAL, PERSON OR ENTITY IS NOT SUBJECT TO CIVIL DAMAGES OR
23 LEGAL ACTION AS A CONSEQUENCE OF GOOD FAITH ACTS OR OMISSIONS RELATED TO
24 PROCUREMENT OF PARTS IN COMPLIANCE WITH THIS ARTICLE. ALL ACTS AND OMISSIONS
25 ARE PRESUMED TO BE IN GOOD FAITH UNLESS THE ACTS OR OMISSIONS ARE DONE WITH
26 INTENT TO MALICIOUSLY CAUSE INJURY.

27 F. A CONSENT TO DONATE AN ANATOMICAL GIFT CONSTITUTES A LIMITED WAIVER
28 OF A PATIENT'S CONFIDENTIALITY PROVIDED BY SECTIONS 12-2235 AND 12-2292 TO
29 THE EXTENT THAT THE APPROPRIATE ORGAN PROCUREMENT AGENCY MAY HAVE ACCESS TO
30 AND MAY OBTAIN A COPY OF ALL OR ANY PORTION OF A MEDICAL RECORD NECESSARY TO
31 DETERMINE WHETHER A PERSON IS A SUITABLE ORGAN OR TISSUE DONOR. A HOSPITAL
32 SHALL RELEASE COPIES OF THE DECEDENT'S MEDICAL RECORDS TO AN ORGAN
33 PROCUREMENT AGENCY ON REQUEST AND MAY CHARGE THE ORGAN PROCUREMENT AGENCY
34 REASONABLE COPYING CHARGES. AN ORGAN PROCUREMENT AGENCY SHALL KEEP THE
35 RECORDS CONFIDENTIAL AND PRIVILEGED TO THE SAME EXTENT AS REQUIRED OF THE
36 HOSPITAL FROM WHICH THEY ARE OBTAINED.

37 36-846. Persons who may become donees; purposes for which
38 anatomical gifts may be made

39 A. THE FOLLOWING MAY BECOME DONEES OF ANATOMICAL GIFTS FOR THE
40 PURPOSES STATED:

41 1. A HOSPITAL, PHYSICIAN, SURGEON OR ORGAN PROCUREMENT AGENCY FOR
42 TRANSPLANTATION, THERAPY, MEDICAL OR DENTAL EDUCATION, RESEARCH OR
43 ADVANCEMENT OF MEDICAL OR DENTAL SCIENCE.

1 2. AN ACCREDITED MEDICAL OR DENTAL SCHOOL, COLLEGE OR UNIVERSITY FOR
2 EDUCATION, RESEARCH OR ADVANCEMENT OF MEDICAL OR DENTAL SCIENCE.

3 3. A PERSON DESIGNATED BY THE DONOR FOR TRANSPLANTATION OR FOR THERAPY
4 NEEDED BY THAT PERSON.

5 B. AN ANATOMICAL GIFT MAY BE MADE TO A DESIGNATED DONEE OR WITHOUT
6 DESIGNATING A DONEE. IF A DONEE IS NOT DESIGNATED OR IF THE DONEE IS NOT
7 AVAILABLE OR REJECTS THE ANATOMICAL GIFT, THE ANATOMICAL GIFT MAY BE ACCEPTED
8 BY ANY PERSON PURSUANT TO SUBSECTION A OF THIS SECTION.

9 C. IF THE DONEE KNOWS OF THE DECEDENT'S REFUSAL TO MAKE AN ANATOMICAL
10 GIFT OR THAT AN ANATOMICAL GIFT BY A MEMBER OF A CLASS HAVING PRIORITY TO ACT
11 IS OPPOSED BY A MEMBER OF THE SAME CLASS OR A PRIOR CLASS UNDER SECTION
12 36-843, THE DONEE SHALL NOT ACCEPT THE ANATOMICAL GIFT.

13 36-847. Delivery of document of gift

14 A. THE DELIVERY OF A DOCUMENT OF GIFT DURING THE DONOR'S LIFETIME IS
15 NOT REQUIRED FOR THE VALIDITY OF AN ANATOMICAL GIFT.

16 B. IF AN ANATOMICAL GIFT IS MADE TO A DESIGNATED DONEE, THE DOCUMENT
17 OF GIFT OR A COPY MAY BE DELIVERED TO THE DONEE TO EXPEDITE THE APPROPRIATE
18 PROCEDURES AFTER DEATH. THE DOCUMENT OF GIFT OR A COPY MAY BE DEPOSITED IN
19 ANY HOSPITAL OR ORGAN PROCUREMENT AGENCY THAT ACCEPTS IT FOR SAFEKEEPING OR
20 FOR FACILITATION OF PROCEDURES AFTER DEATH. ON REQUEST OF AN INTERESTED
21 PERSON, ON OR AFTER THE DONOR'S DEATH, THE PERSON IN POSSESSION SHALL ALLOW
22 THE INTERESTED PERSON TO EXAMINE OR COPY THE DOCUMENT OF GIFT.

23 36-848. Rights and duties at death

24 A. RIGHTS OF A DONEE CREATED BY AN ANATOMICAL GIFT ARE SUPERIOR TO
25 RIGHTS OF OTHERS EXCEPT WITH RESPECT TO AUTOPSIES UNDER SECTION 11-594,
26 SUBSECTION C, PARAGRAPH 3. A DONEE MAY ACCEPT OR REJECT AN ANATOMICAL GIFT.
27 IF A DONEE ACCEPTS AN ANATOMICAL GIFT OF AN ENTIRE BODY, THE DONEE, SUBJECT
28 TO THE TERMS OF THE GIFT, MAY ALLOW EMBALMING AND USE OF THE BODY IN FUNERAL
29 SERVICES. IF THE GIFT IS OF A PART OF A BODY, THE DONEE, ON THE DEATH OF THE
30 DONOR AND BEFORE EMBALMING, SHALL CAUSE THE PART TO BE REMOVED WITHOUT
31 UNNECESSARY MUTILATION. AFTER REMOVAL OF THE PART, CUSTODY OF THE REMAINDER
32 OF THE BODY VESTS IN THE PERSON UNDER OBLIGATION TO DISPOSE OF THE BODY.

33 B. THE TIME OF DEATH SHALL BE DETERMINED BY A PHYSICIAN OR SURGEON WHO
34 ATTENDS THE DONOR AT DEATH OR, IF NONE, THE PHYSICIAN OR SURGEON WHO
35 CERTIFIES THE DEATH. NEITHER THE PHYSICIAN OR SURGEON WHO ATTENDS THE DONOR
36 AT DEATH NOR THE PHYSICIAN OR SURGEON WHO DETERMINES THE TIME OF DEATH SHALL
37 PARTICIPATE IN THE PROCEDURES FOR REMOVING OR TRANSPLANTING A PART UNLESS THE
38 DOCUMENT OF GIFT DESIGNATES A PARTICULAR PHYSICIAN OR SURGEON PURSUANT TO
39 SECTION 36-842, SUBSECTION D.

40 C. IF THERE HAS BEEN AN ANATOMICAL GIFT, A PHYSICIAN, A SURGEON OR A
41 TRAINED TECHNICIAN MAY REMOVE ANY DONATED PARTS AFTER THE DETERMINATION OF
42 DEATH BY A PHYSICIAN OR SURGEON.

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If my agent is unwilling or unable to serve or continue to serve, I hereby appoint _____ as my agent.

I have _____ I have not _____ completed and attached a living will for purposes of providing specific direction to my agent in situations that may occur during any period when I am unable to make or communicate health care decisions or after my death. My agent is directed to implement those choices I have initialed in the living will.

I have _____ I have not _____ completed a prehospital medical care directive pursuant to section 36-3251, Arizona Revised Statutes.

This health care directive is made under section 36-3221, Arizona Revised Statutes, and continues in effect for all who may rely on it except those to whom I have given notice of its revocation.

Signature of Principal

Witness: _____

Date: _____
Time: _____

Address: _____

Address of Agent

Witness: _____

Telephone of Agent

Address: _____

(Note: This document may be notarized instead of being witnessed.)

2. Autopsy (under Arizona law an autopsy may be required)

If you wish to do so, reflect your desires below:

_____ 1. I do not consent to an autopsy.

_____ 2. I consent to an autopsy.

_____ 3. My agent may give consent to or refuse an autopsy.

3. Organ Donation (Optional)

(Under Arizona law, you may make a gift of all or part of your body to a bank or storage facility or a hospital, physician or medical or dental school for transplantation, therapy, medical or dental evaluation or research or for the advancement of medical or dental science. You may also authorize your agent to do so or a member of your family may make a gift unless you give them notice that you do not want a gift made. In the space below you may make a gift yourself or state that you do not want to make a gift. If you do not complete this section, your agent will have the authority to make a gift of a part of your body pursuant to law. NOTE: THE DONATION ELECTIONS YOU MAKE IN THIS HEALTH CARE POWER OF ATTORNEY SURVIVE YOUR DEATH.)

If any of the statements below reflects your desire, initial on the line next to that statement. You do not have to initial any of the statements.

If you do not check any of the statements, your agent and your family will have the authority to make a gift of all or part of your body under Arizona law.

_____ I do not want to make an organ or tissue donation and I do not want my agent or family to do so.

_____ I have already signed a written agreement or donor card regarding organ and tissue donation with the following individual or institution: _____

_____ Pursuant to Arizona law, I hereby give, effective on my death:

Any needed organ or parts.

The following part or organs listed:

for (check one):

1 Any legally authorized purpose.

2
3 Transplant or therapeutic purposes only.

4
5 4. Physician Affidavit (optional)

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7 (Before initialing any choices above you may wish to ask
8 questions of your physician regarding a particular treatment
9 alternative. If you do speak with your physician it is a good
10 idea to ask your physician to complete this affidavit and keep
11 a copy for his file.)

12
13 I, Dr. _____ have reviewed this guidance
14 document and have discussed with _____ any questions
15 regarding the probable medical consequences of the treatment
16 choices provided above. This discussion with the principal
17 occurred on _____.

18
19 (date)

20
21 I have agreed to comply with the provisions of this directive.

22
23
24
25 _____
26 Signature of Physician

27 5. Living Will (Optional. Section 36-3262, Arizona
28 Revised Statutes, has a sample living will.)

29 Sec. 6. Short title

30 Title 36, chapter 7, article 3, Arizona Revised Statutes, as added by
31 this act, may be cited as the "Revised Arizona Anatomical Gift Act".

32 Sec. 7. Emergency

33 This act is an emergency measure that is necessary to preserve the
34 public peace, health or safety and is operative immediately as provided by
35 law.

APPROVED BY THE GOVERNOR MAY 1, 1996

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 1, 1996