
SENATE BILL 5404

State of Washington

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By Senators Morton, Rossi, Long, Oke, Hochstatter, Schow, Hargrove, Benton, Stevens and Swecker

Read first time 01/24/97. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to anatomical gifts; and amending RCW 46.20.113,
2 68.50.540, and 68.50.570.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 46.20.113 and 1993 c 228 s 18 are each amended to read
5 as follows:

6 (1) The department of licensing shall provide a statement whereby
7 the licensee may certify his or her willingness to make an anatomical
8 gift under RCW 68.50.540, as now or hereafter amended. The department
9 shall provide the statement in at least one of the following ways:

10 ~~((1))~~ (a) On each driver's license; or

11 ~~((2))~~ (b) With each driver's license; or

12 ~~((3))~~ (c) With each in-person driver's license application.

13 (2) The statement must include two provisions which allow the
14 licensee to choose between one of the following:

15 (a) Whether the licensee wishes for his or her anatomical gift to
16 go to any person in need of an anatomical gift, without limitation; or

17 (b) Whether the licensee wishes for his or her anatomical gift to
18 only go to those persons not convicted of a crime and currently serving
19 time in jail or prison or on parole.

1 **Sec. 2.** RCW 68.50.540 and 1995 c 132 s 1 are each amended to read
2 as follows:

3 (1) An individual who is at least eighteen years of age, or an
4 individual who is at least sixteen years of age as provided in
5 subsection (~~((12))~~) (13) of this section, may (a) make an anatomical
6 gift for any of the purposes stated in RCW 68.50.570(1), (b) limit an
7 anatomical gift to one or more of those purposes, (~~((or))~~) (c) refuse to
8 make an anatomical gift to a person convicted of a crime and currently
9 serving time in jail or prison or on parole, or (d) refuse to make an
10 anatomical gift.

11 (2) An anatomical gift may be made by a document of gift signed by
12 the donor. If the donor cannot sign, the document of gift must be
13 signed by another individual and by two witnesses, all of whom have
14 signed at the direction and in the presence of the donor and of each
15 other and state that it has been so signed.

16 (3) If a document of gift is attached to or imprinted on a donor's
17 motor vehicle operator's license, the document of gift must comply with
18 subsection (2) of this section. Revocation, suspension, expiration, or
19 cancellation of the license does not invalidate the anatomical gift.

20 (4) The donee or other person authorized to accept the anatomical
21 gift may employ or authorize a physician, surgeon, technician, or
22 enucleator to carry out the appropriate procedures.

23 (5) An anatomical gift by will takes effect upon death of the
24 testator, whether or not the will is probated. If, after death, the
25 will is declared invalid for testamentary purposes, the validity of the
26 anatomical gift is unaffected.

27 (6) A donor may amend or revoke an anatomical gift, not made by
28 will, by:

29 (a) A signed statement;

30 (b) An oral statement made in the presence of two individuals;

31 (c) Any form of communication during a terminal illness or injury;

32 or

33 (d) The delivery of a signed statement to a specified donee to whom
34 a document of gift had been delivered.

35 (7) The donor of an anatomical gift made by will may amend or
36 revoke the gift in the manner provided for amendment or revocation of
37 wills, or as provided in subsection (6) of this section.

1 (8) An anatomical gift that is not revoked by the donor before
2 death is irrevocable and does not require the consent or concurrence of
3 a person after the donor's death.

4 (9) An individual may refuse to make an anatomical gift of the
5 individual's body or part by (a) a writing signed in the same manner as
6 a document of gift, (b) a statement attached to or imprinted on a
7 donor's motor vehicle operator's license, or (c) another writing used
8 to identify the individual as refusing to make an anatomical gift.
9 During a terminal illness or injury, the refusal may be an oral
10 statement or other form of communication.

11 (10) An individual may refuse to make an anatomical gift of the
12 individual's body or part to a person convicted of a crime and
13 currently serving time in jail or prison or on parole.

14 (11) In the absence of contrary indications by the donor, an
15 anatomical gift of a part is neither a refusal to give other parts nor
16 a limitation on an anatomical gift under RCW 68.50.550.

17 (~~(11)~~) (12) In the absence of contrary indications by the donor,
18 a revocation or amendment of an anatomical gift is not a refusal to
19 make another anatomical gift. If the donor intends a revocation to be
20 a refusal to make an anatomical gift, the donor shall make the refusal
21 pursuant to subsection (9) of this section.

22 (~~(12)~~) (13) An individual who is under the age of eighteen, but
23 is at least sixteen years of age, may make an anatomical gift as
24 provided by subsection (2) of this section, if the document of gift is
25 also signed by either parent or a guardian of the donor. A document of
26 gift signed by a donor under the age of eighteen that is not signed by
27 either parent or a guardian shall not be considered valid until the
28 person reaches the age of eighteen, but may be considered as evidence
29 that the donor has not refused permission to make an anatomical gift
30 under the provisions of RCW 68.50.550.

31 **Sec. 3.** RCW 68.50.570 and 1993 c 228 s 6 are each amended to read
32 as follows:

33 (1) The following persons may become donees of anatomical gifts for
34 the purposes stated:

35 (a) A hospital, physician, surgeon, or procurement organization for
36 transplantation, therapy, medical or dental education, research, or
37 advancement of medical or dental science;

1 (b) An accredited medical or dental school, college, or university
2 for education, research, or advancement of medical or dental science;
3 or

4 (c) A designated individual for transplantation or therapy needed
5 by that individual.

6 (2) An anatomical gift may be made to a designated donee or without
7 designating a donee. If a donee is not designated or if the donee is
8 not available or rejects the anatomical gift, the anatomical gift may
9 be accepted by any hospital.

10 (3) An anatomical gift from a donor may not go to a person
11 convicted of a crime and currently serving time in jail or prison or on
12 parole when the donor has so indicated on his or her driver's license.

13 (4) If the donee knows of the decedent's refusal or contrary
14 indications to make an anatomical gift or that an anatomical gift made
15 by a member of a class having priority to act is opposed by a member of
16 the same class or a prior class under RCW 68.50.550(1), the donee may
17 not accept the anatomical gift.

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