
SENATE BILL 6839

State of Washington

56th Legislature

2000 Regular Session

By Senators McDonald, Finkbeiner, Oke and Winsley

Read first time 02/08/2000. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to anatomical gifts; and amending RCW 68.50.560 and
2 68.50.610.

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

4 **Sec. 1.** RCW 68.50.560 and 1993 c 228 s 5 are each amended to read
5 as follows:

6 ~~(1) ((On or before admission to a hospital, or as soon as possible~~
7 ~~thereafter, a person designated by the hospital shall ask each patient~~
8 ~~who is at least eighteen years of age: "Are you an organ or tissue~~
9 ~~donor?" If the answer is affirmative the person shall request a copy~~
10 ~~of the document of gift. If the answer is negative or there is no~~
11 ~~answer, the person designated shall provide the patient information~~
12 ~~about the right to make a gift and shall ask the patient if he or she~~
13 ~~wishes to become an anatomical parts donor. If the answer is~~
14 ~~affirmative, the person designated shall provide a document of gift to~~
15 ~~the patient. The answer to the questions, an available copy of any~~
16 ~~document of gift or refusal to make an anatomical gift, and any other~~
17 ~~relevant information shall be placed in the patient's medical record.~~

18 ~~(2))~~ If, at or near the time of death of a patient, there is no
19 medical record that the patient has made or refused to make an

1 anatomical gift, the hospital administrator or a representative
2 designated by the administrator shall discuss the option to make or
3 refuse to make an anatomical gift and request the making of an
4 anatomical gift under RCW 68.50.550(1). The request shall be made with
5 reasonable discretion and sensitivity to the circumstances of the
6 family. A request is not required if the gift is not suitable, based
7 upon accepted medical standards, for a purpose specified in RCW
8 68.50.570. An entry shall be made in the medical record of the
9 patient, stating the name and affiliation of the individual making the
10 request, and of the name, response, and relationship to the patient of
11 the person to whom the request was made. The secretary of the
12 department of health shall adopt rules to implement this subsection.

13 ~~((+3))~~ (2) The following persons shall make a reasonable search of
14 the individual and his or her personal effects for a document of gift
15 or other information identifying the bearer as a donor or as an
16 individual who has refused to make an anatomical gift:

17 (a) The agency assuming jurisdiction over the decedent, such as the
18 coroner or medical examiner; or

19 (b) A hospital, upon the admission of an individual at or near the
20 time of death, if there is not immediately available another source of
21 that information.

22 ~~((+4))~~ (3) If a document of gift or evidence of refusal to make an
23 anatomical gift is located by the search required by subsection ~~((+3))~~
24 (2)(a) of this section, and the individual or body to whom it relates
25 is taken to a hospital, the hospital shall be notified of the contents
26 and the document or other evidence shall be sent to the hospital.

27 ~~((+5))~~ (4) If, at or near the time of death of a patient, a
28 hospital knows that an anatomical gift has been made under RCW
29 68.50.550(1), or that a patient or an individual identified as in
30 transit to the hospital is a donor, the hospital shall notify the donee
31 if one is named and known to the hospital; if not, it shall notify an
32 appropriate procurement organization. The hospital shall cooperate in
33 the procurement of the anatomical gift or release and removal of a
34 part.

35 ~~((+6))~~ (5) A person who fails to discharge the duties imposed by
36 this section is not subject to criminal or civil liability.

37 ~~((+7))~~ (6) Hospitals shall develop policies and procedures to
38 implement this section.

1 **Sec. 2.** RCW 68.50.610 and 1993 c 228 s 10 are each amended to read
2 as follows:

3 (1)(a) A person may not knowingly, for valuable consideration,
4 purchase or sell a part for transplantation or therapy, if removal of
5 the part is intended to occur after the death of the decedent.

6 (b) No person may sell or offer to sell a human organ.

7 (2) Valuable consideration does not include reasonable payment for
8 the removal, processing, disposal, preservation, quality control,
9 storage, transportation, or implantation of a part.

10 (3) A person who violates this section is guilty of a felony and
11 upon conviction is subject to a fine not exceeding fifty thousand
12 dollars or imprisonment not exceeding five years, or both.

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