

Hall of the House of Representatives

95th General Assembly - Regular Session, 2025

Amendment Form

Subtitle of House Bill 1679

TO AMEND THE REVISED ARKANSAS ANATOMICAL GIFT ACT; TO ALLOW CERTAIN CLASSES OF PERSONS TO REVOKE OR AMEND AN ANATOMICAL GIFT UPON THE DEATH OF THE DONOR; AND TO REQUIRE CERTAIN REPORTING OF PROCUREMENT ORGANIZATIONS.

Amendment No. 1 to House Bill 1679

Amend House Bill 1679 as originally introduced:

Add Representatives Gazaway, Achor, Beaty Jr., Bentley, A. Brown, C. Cooper, Duffield, Eubanks, Furman, Gramlich, Hawk, Long, Magie, McCollum, S. Meeks, Milligan, J. Moore, Painter, Pilkington, Rose, Schulz, Steimel, Underwood, Walker

AND

Page 1, delete lines 26 through 36, and substitute the following:

"SECTION 1. Arkansas Code Title 20, Chapter 17, Subchapter 12, is amended to add additional sections to read as follows:

20-17-1228. Rights of next of kin to modify, amend, or revoke anatomical gift.

(a) Notwithstanding any other provision of this subchapter to the contrary, an incapacitated donor's prior anatomical gift may be modified, amended, or revoked before the donor's death, or a deceased donor's prior anatomical gift may be modified, amended, or revoked following the decedent's death by the following in the order named if the person modifying, amending, or revoking the donor's prior anatomical gift is eighteen (18) years of age or older and is of sound mind:

(1) First, if the donor is alive but incapacitated, the donor's



agent pursuant to a durable power of attorney for health care, unless the power of attorney for health care or other record prohibits the agent from modifying, amending, or revoking the anatomical gift;

(2) Second, the spouse of the donor;

(3) Third, the sole child of the donor or, if there is more than one (1) child of the donor, the majority of the surviving children;

(4)(A) Fourth, the parent or parents of the donor.

(B) If one (1) of the parents is absent, the remaining parent shall be vested with the rights and duties of this section after reasonable efforts have been unsuccessful in locating the absent parent;

(5) Fifth, the surviving brother or sister of the donor or, if there is more than one (1) sibling of the donor, the majority of the surviving siblings;

(6) Sixth, the surviving grandparent of the donor or, if there is more than one (1) surviving grandparent, the majority of the grandparents;

(7) Seventh, the surviving grandchild of the donor or, if there is more than one (1) surviving grandchild, the majority of the grandchildren;

(8) Eighth, the guardian of the donor at the time of the donor's death, if one had been appointed; or

(9) Ninth, the person in the classes of the next degree of kinship, in descending order, under the laws of descent and distribution to inherit the estate of the donor.

(b)(1) Within each class, less than the majority of the class shall be vested with the rights of this section if they have used reasonable efforts to notify all other members of the class of their instructions and are not aware of any opposition to those instructions on the part of more than one-half ($\frac{1}{2}$) of all surviving children.

(2) As used in this section, "class" means surviving children, siblings, grandparents, or grandchildren, where applicable.

(c)(1) A person entitled under this section to modify, amend, or revoke a donor's anatomical gift shall forfeit that right, with the right passing to the next qualifying person as listed in this section, in the following circumstances:

(A)(i) Any person charged with capital murder, § 5-10-101, murder in the first degree, § 5-10-102, murder in the second degree, § 5-10-103, or manslaughter, § 5-10-104, in connection with the donor's death.

(ii) If the charges against such person are terminated by an acquittal, dismissal, or nolle prosequi, the right to modify, amend, or revoke a donor's anatomical gift is returned to the person;

(B)(i) When the person entitled to modify, amend, or revoke a donor's anatomical gift under this section and the donor were estranged at the time of the donor's incapacity or death.

(ii) As used in this section, "estranged" means a physical and emotional separation from the donor at the time of incapacity or death that has existed for a period of time that clearly demonstrates an absence of due affection, trust, and regard for the donor, including the filing of a complaint for divorce by either party that remains pending at the time of the donor's incapacity or death or the separation by living apart of the donor and spouse for a period of more than ninety (90) days preceding the donor's incapacity or death.

(2) If there is a dispute between those sharing the right to modify, amend, or revoke an incapacitated donor's anatomical gift, the donor's anatomical gift may not be modified, revoked, or amended.

(d) The decision to modify, amend, or revoke a donor's anatomical gift under this section may be made orally or in a written record.

(e) A hospital, clinic, physician, healthcare provider, funeral director, or funeral home acting in accordance with this section, or attempting in good faith to do so, is not liable for the act in a civil action, criminal prosecution, or administrative proceeding.

(f) If anything in this section conflicts with federal law or regulation, the federal law or regulation shall prevail.

20-17-1229. Reporting of private procurement organization.

(a)(1) On July 31 of every year, a private procurement organization that procures or harvests organs or tissues within this state shall report for the preceding twelve-month period ending June 30 of the previous year to the Legislative Council."

AND

Page 2, delete lines 1 through 36

AND

Page 3, delete lines 1 through 36

AND

Page 4, delete lines 1 through 3

AND

Page 4, line 7, delete "the procurement agency" and substitute "the private procurement organization"

AND

Page 4, line 9, delete "procurement" and substitute "private procurement"

AND

Page 4, line 18, delete "procurement" and substitute "private procurement"

AND

Page 4, line 20, delete "procurement" and substitute "private procurement"

AND

Page 4, line 22, delete "procurement" and substitute "private procurement"

AND

Page 4, line 24, delete "procurement" and substitute "private procurement"

AND

Page 4, line 25, delete "procurement" and substitute "private procurement"

AND

Page 4, line 26, delete "procurement" and substitute "private procurement"

AND

Page 4, delete lines 33 through 35, and substitute the following:

"(E) Any other information requested by the Legislative Council."

AND

Page 4, line 36, delete "twice" and substitute "one (1) time"

AND

Page 5, line 3, delete "procurement" and substitute "private procurement"

AND

Page 5, delete lines 4 and 5, and substitute the following:

"the Legislative Council."

AND

Page 5, line 6, delete "procurement" and substitute "private procurement"

AND

Page 5, delete line 8, and substitute the following:

"shall be barred from engaging in organ procurement within this state."

SECTION 2. Arkansas Code § 20-17-102(m), concerning the applicability and construction of the Arkansas Final Disposition Rights Act of 2009, is repealed.

~~(m) Nothing in this section shall be construed to affect, repeal, or replace the provisions and procedures set forth in the Revised Arkansas Anatomical Gift Act, § 20-17-1201 et seq."~~

The Amendment was read _____
By: Representative M. Brown
JMB/JMB - 03-17-2025 10:50:23
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Chief Clerk