

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Representative J. S. Miller**

A Bill

HOUSE BILL 1769

For An Act To Be Entitled

8 "AN ACT TO AMEND THE ARKANSAS ANATOMICAL GIFT ACT TO
9 PRESCRIBE THE DUTIES OF COUNTY CORONERS AND TRANSPLANT
10 PROCUREMENT AGENCIES CONCERNING THE PROCUREMENT OF
11 TRANSPLANTABLE TISSUE FROM DONORS; AND FOR OTHER
12 PURPOSES."

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

16 SECTION 1. Title 20, Chapter 17, Subchapter 6 of the Arkansas Code of
17 1987 Annotated is hereby amended by adding a new section to read as follows:

18 "20-17-614. (a) The coroners of the counties of Arkansas shall
19 facilitate procurement of transplantable tissue in the following ways:

20 (1) by notifying the appropriate procurement agency of all
21 potential donors;

22 (2) by providing necessary medical and next-of-kin consent
23 information which shall be kept confidential;

24 (3) by assuring that next-of-kin consent is obtained in
25 accordance with the priority established in Ark. Code Ann. §20-17-603.
26 Consent shall be obtained in a sensitive manner and witnessed or recorded, if
27 obtained by telephone. A copy of the coroner's consent form shall be kept
28 with all records. The form shall include the name of the decedent, the person
29 making the request and the person giving permission, as well as the date and
30 time, the tissue requested and its purpose and the agency to whom it was
31 released;

32 (4) by sharing necessary statistics so that the potential in that
33 jurisdiction may be determined; and

34 (5) by ensuring that the procurement will not interfere with any
35 investigations.

(b) Any coroner who follows the provisions of this act or attempts in good faith to do so shall not be liable in any civil or criminal action.

(c) Any procurement organization which procures transplantable tissue from a person declared dead outside of a hospital by the coroner shall assist that coroner in the following manner:

(1) determining suitability of the donation for transplant or research, as applicable;

(2) assuming responsibility for the direct costs of the procurement; however, under no circumstances shall compensation be paid for the referral itself;

(3) providing a report of any observations and gathering of information and specimen as directed by the coroner or medical examiner;

(4) providing twenty-four (24) hour availability for receiving referrals; and

(5) providing education and information in all matters related to transplant as desired.

(d) All tissue procured in Arkansas shall be offered first to Arkansas patients before consideration of out-of-state patients."

SECTION 2. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 4. All laws and parts of laws in conflict with this act are hereby repealed.

/s/ J. Sturgis Miller