

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001

A Bill

SENATE BILL 329

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5 By: Senator P. Malone
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For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS CODE 20-17-501 AND 20-17-603
10 TO MAKE AN ORGAN DONATION ON THE DRIVER' S LICENSE
11 IRREVOCABLE EXCEPT BY THE DONOR; AND FOR OTHER
12 PURPOSES.
13

Subtitle

14 TO AMEND ARKANSAS LAW TO MAKE AN ORGAN
15 DONATION ON THE DRIVER' S LICENSE
16 IRREVOCABLE EXCEPT BY THE DONOR.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code 20-17-501 is amended to read as follows:

23 20-17-501. Organ donation - Driver's license form to contain statement
24 of intent.

25 (a)(1) At the time that a person applies for the issuance or renewal
26 of a driver's license, a question as to whether he or she wishes to donate
27 his or her bodily organs shall be set out in the application, and the
28 response shall be noted on the driver's license, clearly indicating the
29 licensee's intent either to donate or not to donate his or her bodily organs.

30 (2) If the applicant decides to donate his or her bodily organs,
31 and if it is so noted on the driver's license, all of the legal requirements
32 for consenting to the donation of organs and tissues shall be deemed to have
33 been met.

34 (3) If the applicant does not respond to the question regarding
35 the donation of his or her bodily organs, then the applicant is deemed not to
36 have given consent for the donation of bodily organs.

1 (b) ~~Notwithstanding that a driver has given consent on his or her~~
 2 ~~driver's license that he or she is willing to make an anatomical gift, that~~
 3 ~~person's organs and tissue shall not be donated under this section if a~~
 4 ~~family member or guardian identified in § 20-17-603(a) notifies the person or~~
 5 ~~persons responsible for procuring the organs and tissue that the family~~
 6 ~~member or guardian desires that the organs and tissue not be donated.~~ Absent
 7 the donar's revocation of an anatomical gift prior to death, if the applicant
 8 decides to donate his or her bodily organs, and if it is so noted on the
 9 driver's license, then a family member or guardian identified in § 20-17-
 10 603(a) shall not have authority to revoke or object to the donation.

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 12 SECTION 2. Arkansas Code 20-17-603 is amended to read as follows:

13 20-17-603. Making, revoking, and objecting to anatomical gifts by
 14 others.

15 (a) ~~Any~~ Except as provided in subsection (d) of this section, a member
 16 of the following classes of persons, in the order or priority listed, may
 17 make an anatomical gift of all or a part of the decedent's body for an
 18 authorized purpose, unless the decedent, at the time of death, has made an
 19 unrevoked refusal to make that anatomical gift:

- 20 (1) The spouse of the decedent;
- 21 (2) An adult son or daughter of the decedent;
- 22 (3) Either parent of the decedent;
- 23 (4) An adult brother or sister of the decedent;
- 24 (5) A grandparent of the decedent; and
- 25 (6) A guardian of the person of the decedent at the time of

26 death.

27 (b) An anatomical gift may not be made by a person listed in
 28 subsection (a) of this section if:

29 (1) A person in a prior class is available at the time of death
 30 to make an anatomical gift;

31 (2) The person proposing to make an anatomical gift knows of a
 32 refusal or contrary indications by the decedent; or

33 (3) The person proposing to make an anatomical gift knows of an
 34 objection to making an anatomical gift by a member of the person's class or a
 35 prior class.

36 (c) An anatomical gift by a person authorized under subsection (a) of

1 this section must be made by:

2 (1) A document of gift signed by the person;

3 (2) The person's telegraphic, recorded telephonic, or other
4 recorded message; or

5 (3) A telephonic message witnessed by at least two (2) persons,
6 in which case the witnesses shall document the telephonic message in writing.

7 (d)(1) An anatomical gift by a person authorized under subsection (a)
8 of this section may be revoked by any member of the same or a prior class if,
9 before procedures have begun for the removal of a part from the body of the
10 decedent, the physician, surgeon, technician, or enucleator removing the part
11 knows of the revocation.

12 (2) However, if a person at the time of applying for a driver's
13 license decides to donate his or her bodily organs, and if it is so noted on
14 the driver's license, then another person authorized under subsection (a) of
15 this section shall have no authority to revoke or object to the donation upon
16 the donor's death.

17 (e) A failure to make an anatomical gift under subsection (a) of this
18 section is not an objection to the making of an anatomical gift.

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