

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 85th General Assembly  
3 Regular Session, 2005

# A Bill

SENATE BILL 17

4  
5 By: Senator Faris  
6  
7

## For An Act To Be Entitled

8  
9 AN ACT CONCERNING ORGAN DONATION FROM A DECEDENT  
10 WHO DIED UNDER CIRCUMSTANCES REQUIRING AN  
11 AUTOPSY; AND FOR OTHER PURPOSES.

### Subtitle

12  
13 AN ACT CONCERNING ORGAN DONATION FROM A  
14 DECEDENT WHO DIED UNDER CIRCUMSTANCES  
15 REQUIRING AN AUTOPSY.  
16  
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
19

20 SECTION 1. Arkansas Code Title 12, Chapter 12, Subchapter 3 is amended  
21 to add an additional section as follows:

22 12-12-325. Autopsies – Anatomical gifts.

23 (a) Upon a request from an entity authorized under the Arkansas  
24 Anatomical Gift Act §20-17-601 et seq., the State Medical Examiner and his or  
25 her assistants are authorized to remove any or all parts of a human body  
26 during the course of an autopsy and donate the part or parts in accordance  
27 with the procedures set forth in the Arkansas Anatomical Gift Act.

28 (b) If no autopsy is required, the part or parts to be donated shall  
29 be released in accordance with the procedures set forth in the Arkansas  
30 Anatomical Gift Act.

31 (c) If an autopsy is required and the State Medical Examiner  
32 determines that the removal of the part or parts will not interfere with the  
33 subsequent course of an investigation or autopsy, the part or parts shall be  
34 released in accordance with the Arkansas Anatomical Gift Act. The autopsy  
35 will be performed in a timely manner following the removal of the part or  
36 parts.



1       (d)(1) If the State Medical Examiner is considering withholding one  
2 (1) or more parts of a potential donor for any reason, the State Medical  
3 Examiner shall be present during the removal of the part or parts. In such  
4 case, the State Medical Examiner may request a biopsy of those part or parts  
5 or deny removal of the part or parts.

6       (2) If the State Medical Examiner denies removal of the part or  
7 parts, he or she shall explain in writing the reasons for the denial. The  
8 State Medical Examiner shall provide explanation to the entity requesting the  
9 part or parts under the Arkansas Anatomical Gift Act.

10       (e)(1) If the autopsy is not being performed by the State Medical  
11 Examiner and one (1) or more parts may be withheld, the person performing the  
12 autopsy shall be present during the removal of the part or parts. In such  
13 case, the person performing the autopsy may request a biopsy of those part or  
14 parts or deny removal of the part or parts.

15       (2) If the person performing the autopsy denies removal of the  
16 part or parts, he or she shall explain in writing the reasons for the denial  
17 to the entity requesting the part or parts under the Arkansas Anatomical Gift  
18 Act.

19       (f) If, in performing the duties required by this section, the State  
20 Medical Examiner or person performing the autopsy is required to be present  
21 at the hospital to examine the decedent prior to removal of the part or parts  
22 or during the procedure to remove the organs, the entity requesting the part  
23 or parts under the Arkansas Anatomical Gift Act shall on request reimburse  
24 the State Medical Examiner or the person performing the autopsy for the  
25 actual costs incurred in performing such duties, not to exceed one thousand  
26 dollars (\$1,000).

27       (g) At the request of the State Medical Examiner, or in the case in  
28 which the autopsy is performed by someone other than the State Medical  
29 Examiner, a document shall be filed with the State Medical Examiner detailing  
30 the condition of the part or parts removed and the relationship, if any, to  
31 the cause of death.

32  
33  
34  
35  
36