

JAN 26 2011

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# A BILL FOR AN ACT

RELATING TO ANATOMICAL GIFTS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1. The purpose of this Act is to save lives and  
2 improve the quality of life of Hawaii's people who need organ  
3 transplantation. This Act also is intended to improve the  
4 quality of medical education in Hawaii by ensuring that the  
5 proper individuals and entities fulfill their obligation to  
6 effectuate anatomical gifts.

7       SECTION 2. Section 327-14, Hawaii Revised Statutes, is  
8 amended by amending subsection (i) to read as follows:

9       "(i) Subject to sections 327-11(h) and 327-23, the rights  
10 of the person to which a body part passes under section 327-11  
11 are superior to rights of all others with respect to the body  
12 part. The person ~~[may]~~ to whom an anatomical gift passes under  
13 this chapter shall accept or reject ~~[a]~~ the anatomical gift ~~[in~~  
14 whole or in part.] unless the anatomical gift is medically  
15 unsuitable for transplantation, therapy, research, or education.  
16 The acceptance shall occur when the anatomical gift is made  
17 under this chapter, regardless of whether another person,  
18 including family members of the donor, has made an anatomical



1 gift. Subject to the terms of the document of gift and this  
2 part, a person that accepts an anatomical gift of an entire body  
3 may allow embalming or cremation and use of remains in a funeral  
4 service. If the gift is of a body part, the person to which the  
5 body part passes under section 327-11, upon the death of the  
6 donor and before embalming or cremation, shall cause the body  
7 part to be removed without unnecessary mutilation."

8 SECTION 3. Statutory material to be repealed is bracketed  
9 and stricken. New statutory material is underscored.

10 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

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**Report Title:**

Anatomical Gifts; Acceptance

**Description:**

Requires a person to whom an anatomical gift passes to accept the gift if it is medically suitable for transplantation, therapy, research, or education.

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