

## LEGISLATIVE BILL 130

Approved by the Governor April 19, 1985

Introduced by Marsh, 29

AN ACT relating to anatomical gifts; to amend section 71-1341, Reissue Revised Statutes of Nebraska, 1943, and section 71-4813, Revised Statutes Supplement, 1984; to change provisions relating to the removal of certain glands during autopsies; to change provisions relating to the donation of certain glands; to repeal the original sections; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 71-1341, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1341. A written authorization for an autopsy given by the survivor or survivors, as enumerated in section 71-1339, having the right to control the disposition of remains may, when not inconsistent with any directions given by the decedent pursuant to section 71-1340, include authorization for the removal of any specifically named organ or organs for therapeutic or scientific purposes. Pursuant to any such written authorization, any structure or organ may be given to the Director of Health, or to any other therapeutic service operated by any nonprofit agency approved by the Director of Health, including, but not limited to, a teaching institution, university, college, legally licensed hospital, nonprofit blood bank, nonprofit artery bank, ~~or~~ a nonprofit eye bank, or nationally recognized nonprofit hormone and pituitary program. The person or persons performing any autopsy shall do so within a reasonable time and without delay and shall not exceed the removal permission contained in such written authorization, and the remains shall not be significantly altered in external appearance mutilated nor shall any portion thereof be removed for purposes other than those expressly permitted in this section.

Sec. 2. That section 71-4813, Revised Statutes Supplement, 1984, be amended to read as follows:

71-4813. When an autopsy is performed by the physician authorized by the county coroner to perform such autopsy, the physician or an appropriately qualified designee with training in ophthalmologic techniques, as provided for in subsection (2) of section 71-4807, may remove eye tissue of the decedent for the purpose of transplantation. The physician may also remove the pituitary gland for the purpose of research and treatment

of hypopituitary dwarfism and of other growth disorders. Removal of the eye tissue or the pituitary gland shall only take place if the:

(1) Autopsy was authorized by the county coroner;

(2) County coroner receives permission from the person having control of the disposition of the decedent's remains pursuant to section 71-1339; and

(3) Removal of eye tissue or of the pituitary gland will not interfere with the course of any subsequent investigation or alter the decedent's post mortem facial appearance.

The removed eye tissue or pituitary gland shall be transported to the Director of Health or any desired institution or health facility as prescribed by section 71-1341.

Sec. 3. That original section 71-1341, Reissue Revised Statutes of Nebraska, 1943, and section 71-4813, Revised Statutes Supplement, 1984, are repealed.

Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.