



One Hundred First Legislature - Second Session - 2010
Introducer's Statement of Intent
LB 1036

Chairperson: Tim Gay
Committee: Health and Human Services
Date of Hearing: February 10, 2010

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

The Uniform Law Commission promulgated the Uniform Anatomical Gift Act originally in 1968. Nebraska adopted it in 1971 and it has not been substantially revised since that time.

The 1967 version and a later 1987 version from the Uniform Law Commission were enacted in every state. However, the law on anatomical gifts is no longer uniform or harmonious because of changing federal law, new technologies, and current practice with regard to organ, tissue and eye donation. The Revised Uniform Anatomical Gift Act (2006) (“UAGA”) will facilitate and encourage donations. There are many reasons why Nebraska should adopt the Uniform Anatomical Gift Act (2006) including:

- First person consent is substantially strengthened to bar others from amending or revoking a gift (or refusal) made by a donor.
- Gifts by family and agents are facilitated if the deceased has not acted to make or refuse to make an anatomical gift by:
 - Expanding those that can act to include a health care agent, grandchildren, and persons providing special care;
 - Easing the process of obtaining consent by enabling a majority of a class to decide;
 - Permitting consent from persons that are “reasonably available”; and,
 - Clarifying the manner by which consent may be obtained.
- Provides for cooperation and coordination between procurement organizations and medical examiners, particularly with regard to procurement from potential donors under the jurisdiction of the medical examiner.
- Remedies for intentional acts in violation of the Act are provided while retaining immunity for good faith action under the Act.
- Harmonizes the Uniform Anatomical Gift Act with

- Federal law;
 - Current technology and practice; and,
 - Advance Medical Directives
- The Uniform Anatomical Gift Act (2006) was drafted with the basic premises of:
 - Moral worth and dignity of each human being
 - Individual's right to govern disposition of his or her body after death:
 - Respect for the wishes and feelings of the families of deceased individuals if the individual has not made a choice.

The Uniform Anatomical Gift Act (2006) is strongly supported by many organ, eye and tissue procurement organizations because it will improve anatomical gift law in the states, thereby encouraging donations that save and improve lives.

Principal Introducer:

_____ **Senator Brenda Council**