

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1973

ENROLLED

SENATE BILL NO. 79

(By Mr. Brotherton, Mr. President)

PASSED April 5 1973

In Effect Ninety days from Passage



FILED IN THE OFFICE  
EDGAR F. HEISKELL III  
SECRETARY OF STATE  
THIS DATE 4-13-73

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**ENROLLED**  
**Senate Bill No. 79**

(By Mr. Brotherton, Mr. President)

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[Passed April 5, 1973; in effect ninety days from passage.]

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AN ACT to amend and reenact sections three and four, article nineteen, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to public health; relating to the uniform anatomical gift act; relating to the persons who may become donees of gifts under the act; relating to the purposes for which anatomical gifts may be made; relating to the manner of making and executing anatomical gifts; and relating to the carrying out of procedures to effect the gift.

*Be it enacted by the Legislature of West Virginia:*

That sections three and four, article nineteen, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 19. UNIFORM ANATOMICAL GIFT ACT.**

**§16-19-3. Persons who may become donees; purposes for which anatomical gifts may be made.**

1   The following persons may become donees of gifts of  
2   bodies or parts thereof for the purposes stated:

3   (1) Any hospital, surgeon, or physician, for medical or  
4   dental education, research, advancement of medical or dental  
5   science, therapy, or transplantation; or

6   (2) Any accredited medical or dental school, college or  
7   university for education, research, advancement of medical  
8   or dental science, or therapy; or

9   (3) Any person operating a bank or storage facility for  
10   blood, arteries, eyes, pituitaries, or other human parts, for

11 use in medical or dental education, advancement of medical  
12 or dental science, research, therapy or transplantation to  
13 individuals; or

14 (4) Any specified individual for therapy or transplanta-  
15 tion needed by him.

**§16-19-4. Manner of executing anatomical gifts.**

1 (a) A gift of all or part of the body under subsection (a),  
2 section two of this article may be made by will. The gift be-  
3 comes effective upon the death of the testator without  
4 waiting for probate. If the will is not probated, or if it is  
5 declared invalid for testamentary purposes, the gift, to the  
6 extent that it has been acted upon in good faith, is never-  
7 theless valid and effective.

8 (b) A gift of all or part of the body under subsection (a),  
9 section two of this article may also be made by document  
10 other than a will. The gift becomes effective upon the death  
11 of the donor. The document, which may be a card designed  
12 to be carried on the person, must be signed by the donor in  
13 the presence of two witnesses who must sign the document  
14 in his presence. If the donor cannot sign, the document may  
15 be signed for him at his direction and in his presence in the  
16 presence of two witnesses who must sign the document in  
17 his presence. Delivery of the document of gift during the  
18 donor's lifetime is not necessary to make the gift valid.

19 (c) The gift may be made to a specified donee or without  
20 specifying a donee. If the latter, the gift may be accepted  
21 by the attending physician as donee upon or following death.  
22 If the gift is made to a specified donee who is not avail-  
23 able at the time and place of death, the attending physician  
24 upon or following death, in the absence of any expressed  
25 indication that the donor desired otherwise, may accept the  
26 gift as donee. The physician who becomes a donee under  
27 this subsection shall not participate in the procedures for  
28 removing or transplanting a part, except that this prohibi-  
29 tion shall not apply to the removing or transplanting of an  
30 eye or eyes.

31 (d) Notwithstanding subsection (b), section seven of this  
32 article, the donor may designate in his will, card or other  
33 document of gift the surgeon or physician to carry out the  
34 appropriate procedures, or in the case of a gift of an eye or

35 eyes, the surgeon or physician or the technician properly  
 36 trained in the surgical removal of eyes to carry out the ap-  
 37 propriate procedures. In the event of the nonavailability of  
 38 such designee, or in the absence of a designation, the donee  
 39 or other person authorized to accept the gift may employ or  
 40 authorize for the purpose any surgeon or physician or in the  
 41 case of a gift of an eye or eyes, any surgeon or physician or  
 42 technician properly trained in the surgical removal of eyes.

43 (e) Any gift by a person designated in subsection (b),  
 44 section two of this article shall be made by a document  
 45 signed by him or made by his telegraphic, recorded tele-  
 46 phonic, or other recorded message.

47 (f) No particular words shall be necessary for donation of  
 48 all or part of a body, but the following words, in substance,  
 49 properly signed and witnessed, shall be legally valid for  
 50 donations made pursuant to subsection (b) of this section:

51 "UNIFORM DONOR CARD

52 of

53 \_\_\_\_\_  
 54 Print or type name of donor

55 In the hope that I may help others, I hereby make this  
 56 anatomical gift, if medically acceptable, to take effect upon  
 57 my death. The words and marks below indicate my de-  
 58 sires.

59 I give: (a) \_\_\_\_\_ any needed organs or parts

60 (b) \_\_\_\_\_ only the following organs or parts

61 \_\_\_\_\_  
 62 Specify the organ (s) or part (s)  
 63 for the purposes of transplantation, therapy, medical re-  
 64 search or education;

65 (c) \_\_\_\_\_ my body for anatomical study if needed.  
 66 Limitations or special wishes, if any: \_\_\_\_\_

67 Signed by the donor and the following two witnesses in  
 68 the presence of each other:

69 _____	_____
70 Signature of Donor	Date of Birth of Donor
71 _____	_____
72 Date Signed	City and State
73 _____	_____
74 Witness	Witness

75 This is a legal document under the Uniform Anatomical  
 76 Gift Act or similar laws."


The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

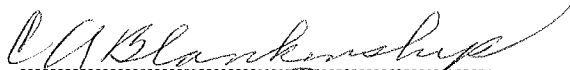
  
Chairman Senate Committee

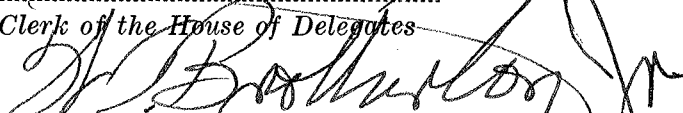
  
Chairman House Committee

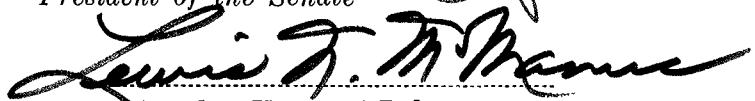
Originated in the Senate.

To take effect ninety days from passage.

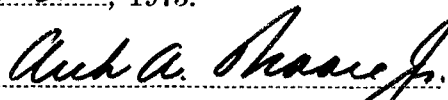
  
Clerk of the Senate

  
Clerk of the House of Delegates

  
President of the Senate

  
Speaker House of Delegates

The within approved this the 13th  
day of April, 1973.

  
Governor

PRESENTED TO THE  
GOVERNOR

Date 4/10/73

Time 10:35 a.m.