WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1973

ENROLLED

SENATE BILL NO. 79

(By Mr. Brotherston, Mr. President)

PASSED _______April 5_____________ 1973

In Effect _______days from Passage

79

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

Senate Bill No. 79

(By Mr. Brotherton, Mr. President)

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

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.

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

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

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

(3) Any person operating a bank or storage facility for blood, arteries, eyes, pituitaries, or other human parts, for
use in medical or dental education, advancement of medical
or dental science, research, therapy or transplantation to
individuals; or
(4) Any specified individual for therapy or transplanta-
tion needed by him.

(a) A gift of all or part of the body under subsection (a),
section two of this article may be made by will. The gift be-
comes effective upon the death of the testator without
waiting for probate. If the will is not probated, or if it is
declared invalid for testamentary purposes, the gift, to the
extent that it has been acted upon in good faith, is never-
theless valid and effective.
(b) A gift of all or part of the body under subsection (a),
section two of this article may also be made by document
other than a will. The gift becomes effective upon the death
of the donor. The document, which may be a card designed
to be carried on the person, must be signed by the donor in
the presence of two witnesses who must sign the document
in his presence. If the donor cannot sign, the document may
be signed for him at his direction and in his presence in the
presence of two witnesses who must sign the document in
his presence. Delivery of the document of gift during the
donor's lifetime is not necessary to make the gift valid.
(c) The gift may be made to a specified donee or without
specifying a donee. If the latter, the gift may be accepted
by the attending physician as donee upon or following death.
If the gift is made to a specified donee who is not avail-
able at the time and place of death, the attending physician
upon or following death, in the absence of any expressed
indication that the donor desired otherwise, may accept the
gift as donee. The physician who becomes a donee under
this subsection shall not participate in the procedures for
removing or transplanting a part, except that this prohibi-
tion shall not apply to the removing or transplanting of an
eye or eyes.
(d) Notwithstanding subsection (b), section seven of this
article, the donor may designate in his will, card or other
document of gift the surgeon or physician to carry out the
appropriate procedures, or in the case of a gift of an eye or
eyes, the surgeon or physician or the technician properly trained in the surgical removal of eyes to carry out the appropriate procedures. In the event of the nonavailability of such designee, or in the absence of a designation, the donee or other person authorized to accept the gift may employ or authorize for the purpose any surgeon or physician or in the case of a gift of an eye or eyes, any surgeon or physician or technician properly trained in the surgical removal of eyes.

(e) Any gift by a person designated in subsection (b), section two of this article shall be made by a document signed by him or made by his telegraphic, recorded telephonic, or other recorded message.

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

“UNIFORM DONOR CARD

Print or type name of donor

In the hope that I may help others, I hereby make this anatomical gift, if medically acceptable, to take effect upon my death. The words and marks below indicate my desires.

I give: (a) ______ any needed organs or parts

(b) ______ only the following organs or parts

Specify the organ (s) or part (s) for the purposes of transplantation, therapy, medical research or education;

(c) ______ my body for anatomical study if needed.

Limitations or special wishes, if any:

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

Signature of Donor

Date Signed

City and State

Witness

Witness

This is a legal document under the Uniform Anatomical 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.