WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1989

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ENROLLED

HOUSE BILL No. 2003

(By #1. Del. Love & Hiern)

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Passed March 6, 1989

In Effect Ninety Days From Passage
ENROLLED

H. B. 2003

(By Delegates Love and Given)

[Passed March 6, 1989; in effect ninety days from passage.]

AN ACT to amend and reenact article ten, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to enacting the uniform determination of death act; establishing standards for the determination of death; mandating uniform construction and application of the act; providing civil and criminal immunity for certain persons; and changing the short title from the uniform brain death act to the uniform determination of death act.

Be it enacted by the Legislature of West Virginia:

That article ten, 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 10. UNIFORM DETERMINATION OF DEATH ACT.

§16-10-1. Determination of death.

1 An individual who has sustained either (1) irreversible cessation of circulatory and respiratory functions or (2) irreversible cessation of all functions of the entire brain, including the brain stem, is dead. A determination of death must be made in accordance with accepted medical standards.

§16-10-2. Uniformity of construction and application.

1 This article shall be applied and construed to effectuate its general purpose to make uniform the law with
§16-10-3. Civil and criminal immunity.

A physician or any other person authorized by law to determine death who makes such determination in accordance with section one of this article is not liable for damages in any civil action or subject to prosecution in any criminal proceeding for his acts or the acts of others based on that determination. Any person who acts in good faith in reliance on a determination of death is not liable for damages in any civil action or subject to prosecution in any criminal proceeding for such act.

§16-10-4. Short title.

This article may be cited as the “Uniform Determination of Death Act.”
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Frederick L. Hiner
Chairman Senate Committee

Bernard V. Kelly
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Jed C. Stich
Clerk of the Senate

Donald J. Hoffer
Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the 17th day of March, 1989.

Governor
PRESENTED TO THE
GOVERNOR
Date 3/13/89
Time 3:03