

No. 2003

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1989



ENROLLED

HOUSE BILL No. 2003

(By Mr. Del. Love & Guen)



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
2 cessation of circulatory and respiratory functions or (2)
3 irreversible cessation of all functions of the entire brain,
4 including the brain stem, is dead. A determination of
5 death must be made in accordance with accepted
6 medical standards.

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

1 This article shall be applied and construed to effec-
2 tuate its general purpose to make uniform the law with

3 respect to the subject of this article among states
4 enacting it.

§16-10-3. Civil and criminal immunity.

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

§16-10-4. Short title.

1 This article may be cited as the "Uniform Determi-
2 nation of Death Act."

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

Frederick L. Parker
Chairman Senate Committee

Bernard V. Kelly
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Isaac C. Welch
Clerk of the Senate

Donald T. Hoyle
Clerk of the House of Delegates

Samuel R. Taylor
President of the Senate

William W. Miller
Speaker of the House of Delegates

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

Yaakov Capant
Governor

PRESENTED TO THE

GOVERNOR

Date 3/13/89

Time 9:03