

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 546

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO ANATOMICAL GIFTS; AMENDING SECTION 39-3404, IDAHO CODE, TO PROVIDE THAT A PERSON FIFTEEN YEARS OF AGE OR OLDER MAY MAKE AN ANATOMICAL GIFT WITH A PARENT'S OR GUARDIAN'S WRITTEN CONSENT.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 39-3404, Idaho Code, be, and the same is hereby amended to read as follows:

39-3404. WHO MAY MAKE ANATOMICAL GIFT BEFORE DONOR'S DEATH. Subject to section 39-3408, Idaho Code, an anatomical gift of a donor's body or part may be made during the life of the donor for the purpose of transplantation, therapy, research or education in the manner provided in section 39-3405, Idaho Code, by:

- (1) The donor, if the donor is an adult or if the donor is a minor and is:
 - (a) Emancipated; or
 - (b) At least ~~sixteen~~ fifteen (165) years of age, provided however, that if the donor is ~~sixteen~~ fifteen (165) years of age or older and less than eighteen (18) years of age, a parent or an adult guardian must consent in writing in the presence of the donor.
- (2) An agent of the donor, unless the power of attorney for health care or other record prohibits the agent from making an anatomical gift;
- (3) A parent of the donor, if the donor is an unemancipated minor; or
- (4) The donor's guardian.