

ASSEMBLY BILL NO. 424—ASSEMBLYMAN SPRINKLE

MARCH 27, 2017

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing the determination of death. (BDR 40-1025)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to the determination of death; revising provisions relating to the determination of brain death; revising provisions relating to the use of organ-sustaining treatment on a person determined to be brain dead under certain circumstances; requiring reasonable efforts to be made to inform the family or authorized representative of a person declared brain dead regarding the determination and the potential costs of continuing the administration of organ-sustaining treatment on the person; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law provides that a person is dead if it is determined that the person  
2 has either sustained irreversible cessation of: (1) circulatory and respiratory  
3 functions; or (2) all brain function, including the function of his or her brain stem.  
4 Existing law further provides that such a determination must be made in accordance  
5 with accepted medical standards. (NRS 451.007) **Section 2** of this bill requires that  
6 a determination of brain death be made in accordance with the applicable  
7 guidelines set forth in: (1) “Evidence-based Guideline Update: Determining Brain  
8 Death in Adults: Report of the Quality Standards Subcommittee of the American  
9 Academy of Neurology,” published by the American Academy of Neurology, or  
10 subsequent revisions approved by the Academy; or (2) “Guidelines for the  
11 Determination of Brain Death in Infants and Children: An Update of the 1987 Task  
12 Force Recommendations,” published by the Pediatric Section of the Society of  
13 Critical Care Medicine or subsequent revisions approved by the Pediatric Section.  
14 **Section 1** of this bill provides that consent from the person’s authorized  
15 representative or authorized family member is not required to make a determination  
16 of brain death. **Section 1** prohibits the withdrawal of organ-sustaining treatment  
17 from a person determined to be brain dead if that person: (1) is pregnant and it is  
18 probable that the pregnancy will result in a live birth with continued use of



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19 organ-sustaining treatment; or (2) is an organ donor. **Section 1** also requires that:  
20 (1) after a person is declared brain dead, reasonable efforts must be made to inform  
21 the person's family or authorized representative of such determination; and (2) the  
22 health care facility inform the person's family or authorized representative that the  
23 cost for continued administration of organ-sustaining treatment for the person  
24 declared brain dead may become the responsibility of the person's estate or family.

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 451 of NRS is hereby amended by adding  
2 thereto a new section to read as follows:

3 *1. A determination of the death of a person made pursuant to*  
4 *paragraph (b) of subsection 1 of NRS 451.007 is a clinical*  
5 *decision that does not require the consent of the person's*  
6 *authorized representative or the family member with the authority*  
7 *to consent or withhold consent.*

8 *2. Organ-sustaining treatment must not be withheld or*  
9 *withdrawn from a person determined to be dead pursuant to*  
10 *paragraph (b) of subsection 1 of NRS 451.007 who is known to the*  
11 *attending physician to be:*

12 *(a) Pregnant, so long as it is probable that the fetus will*  
13 *develop to the point of live birth with continued application of*  
14 *organ-sustaining treatment; or*

15 *(b) A donor or potential donor of an anatomical gift, for the*  
16 *amount of time necessary to successfully recover the anatomical*  
17 *gift.*

18 *3. After a determination of the death of a person is made*  
19 *pursuant to paragraph (b) of subsection 1 of NRS 451.007,*  
20 *reasonable efforts must be made:*

21 *(a) By the person's provider of health care to notify a family*  
22 *member or other authorized representative of the person of the*  
23 *determination of death; and*

24 *(b) By the health care facility in which the determination of*  
25 *death was made to inform a family member or other authorized*  
26 *representative of the person that the potential costs of continuing*  
27 *to administer organ-sustaining treatment may become the*  
28 *responsibility of the person's estate or family.*

29 *4. As used in this section:*

30 *(a) "Anatomical gift" has the meaning ascribed to it in*  
31 *NRS 451.513.*

32 *(b) "Organ-sustaining treatment" means a medical procedure*  
33 *or intervention conducted after a person has been determined to*  
34 *be dead pursuant to paragraph (b) of subsection 1 of NRS 451.007*



1 *that serves only to prolong the viability of the organs of the person*  
2 *or a fetus carried by the person.*

3 **Sec. 2.** NRS 451.007 is hereby amended to read as follows:

4 451.007 1. For legal and medical purposes, a person is dead  
5 if the person has sustained an irreversible cessation of:

6 (a) Circulatory and respiratory functions; or

7 (b) All functions of the person's entire brain, including his or  
8 her brain stem.

9 2. A determination of death made under ~~§ this section~~ :

10 (a) *Paragraph (a) of subsection 1* must be made in accordance  
11 with accepted medical standards.

12 ~~§3.—This section may be cited as the Uniform Determination of~~  
13 ~~Death Act and~~

14 (b) *Paragraph (b) of subsection 1* must be ~~applied and~~  
15 ~~construed to carry out its general purpose which is to make uniform~~  
16 ~~among the states which enact it the law regarding the determination~~  
17 ~~of death.~~ *made in accordance with the applicable guidelines set*  
18 *forth in:*

19 (1) *“Evidence-based Guideline Update: Determining Brain*  
20 *Death in Adults: Report of the Quality Standards Subcommittee of*  
21 *the American Academy of Neurology,” published June 8, 2010, by*  
22 *the American Academy of Neurology, or any subsequent revisions*  
23 *approved by the American Academy of Neurology or its successor*  
24 *organization; or*

25 (2) *“Guidelines for the Determination of Brain Death in*  
26 *Infants and Children: An Update of the 1987 Task Force*  
27 *Recommendations,” published January 27, 2012, by the Pediatric*  
28 *Section of the Society of Critical Care Medicine, or any*  
29 *subsequent revisions approved by the Pediatric Section of the*  
30 *Society of Critical Care Medicine or its successor organization.*



