

1 S.178

2 Introduced by Senator Carris

3 Referred to Committee on

4 Date:

5 Subject: Health; hospitals; anatomical gifts

6 Statement of purpose: This bill proposes to require hospitals to give
7 individuals an opportunity to complete an anatomical gift form for organ
8 donation or opt out of completing such a form at the time of hospital or
9 emergency room admission.

10 An act relating to anatomical gift forms upon hospital admission

11 It is hereby enacted by the General Assembly of the State of Vermont:

12 Sec. 1. 18 V.S.A. chapter 109, subchapter 2 is added to read:

13 Subchapter 2. Anatomical Gift Forms

14 § 5249. ANATOMICAL GIFT FORM AT HOSPITAL ADMISSION

15 (a) Before admitting an individual as an inpatient or providing services to
16 an individual in an emergency room, a designated member of the staff of a
17 hospital licensed pursuant to chapter 43 of this title shall provide the individual
18 with the opportunity to either:

1 (1) complete an anatomical gift form that complies with the provisions
2 of subchapter 1 of this chapter and has been approved by the commissioner of
3 health; or

4 (2) indicate by a check-box or similar means that the individual wishes
5 to opt out of completing the anatomical gift form.

6 (b) A hospital shall supply an anatomical gift form that complies with the
7 provisions of subchapter 1 of this title and has been approved by the
8 commissioner of health and shall provide the witnesses necessary to enable an
9 individual to complete the anatomical gift form.

10 (c)(1) In the case of an individual who lacks capacity at the time of the
11 hospital or emergency room admission, the designated staff shall follow up
12 with the individual at such time as the individual regains capacity in order to
13 provide the opportunity to complete the anatomical gift form or affirmatively
14 opt out.

15 (2) In the case of an individual who lacks capacity at the time of the
16 hospital or emergency room admission and fails to regain capacity while
17 admitted to the hospital, the requirements of this section shall be waived.

18 (d) Nothing in this section shall be deemed to require an individual to
19 complete an anatomical gift form or opt out of completing such form as a
20 condition of admission to a hospital or emergency room.

1 Sec. 2. 18 V.S.A. chapter 109 is redesignated to read:

2 CHAPTER 109. ~~UNIFORM ANATOMICAL GIFT ACT~~ GIFTS

3 Sec. 3. STATUTORY REVISION

4 Sections 5238 through 5248 of Title 18 shall be recodified as subchapter 1
5 (Uniform Anatomical Gift Act) of chapter 109 of Title 18.