

IN THE SENATE

SENATE BILL NO. 1129

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO THE REVISED UNIFORM ANATOMICAL GIFT ACT; AMENDING  
 2 SECTION 39-3422, IDAHO CODE, TO REVISE DEFINITIONS, TO REMOVE A  
 3 PROVISION REGARDING THE WITHHOLDING OR WITHDRAWING MEASURES  
 4 NECESSARY TO ENSURE MEDICAL SUITABILITY OF AN ORGAN AND TO  
 5 PROVIDE FOR THE RESOLUTION OF CONFLICT BETWEEN THE TERMS OF A  
 6 DECLARATION OR DIRECTIVE AND THE EXPRESS OR IMPLIED TERMS OF A  
 7 POTENTIAL ANATOMICAL GIFT.  
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9 Be It Enacted by the Legislature of the State of Idaho:

10 SECTION 1. That Section 39-3422, Idaho Code, be, and the same is hereby amended to  
 11 read as follows:

12 39-3422. EFFECT OF ANATOMICAL GIFT ON ADVANCE HEALTH CARE  
 13 DIRECTIVE. (1) In this section:

14 (a) "Advance health care directive" means a power of attorney for health care or a record  
 15 signed or authorized by a prospective donor containing the prospective donor's direction  
 16 concerning a health care decision for the prospective donor.

17 (b) "Declaration" means a record signed by a prospective donor specifying the  
 18 circumstances under which a life support system may be withheld or withdrawn from the  
 19 prospective donor.

20 (c) "Health care decision" means any decision ~~made~~ regarding the health care of the  
 21 prospective donor.

22 (2) If a prospective donor has a declaration or advance health care directive, and the  
 23 terms of the declaration or directive and the express or implied terms of a potential anatomical  
 24 gift are in conflict with regard to the administration of measures necessary to ensure the  
 25 medical suitability of ~~an organ~~ a part for transplantation or therapy ~~may not be withheld~~  
 26 ~~or withdrawn from the prospective donor, unless the declaration expressly provides to the~~  
 27 ~~contrary,~~ the prospective donor's attending physician and prospective donor shall confer to  
 28 resolve the conflict. If the prospective donor is incapable of resolving the conflict, an agent  
 29 acting under the prospective donor's declaration or directive, or, if none or the agent is not  
 30 reasonably available, another person authorized by law other than this chapter to make health  
 31 care decisions on behalf of the prospective donor, shall act for the donor to resolve the conflict.  
 32 The conflict must be resolved as expeditiously as possible. Information relevant to the  
 33 resolution of the conflict may be obtained from the appropriate procurement organization and  
 34 any other person authorized to make an anatomical gift for the prospective donor under section  
 35 39-3409, Idaho Code. Before resolution of the conflict, measures necessary to ensure the  
 36 medical suitability of the part may not be withheld or withdrawn from the prospective donor if  
 37 withholding or withdrawing the measures is not contraindicated by appropriate end-of-life care.