

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 546

BY STATE AFFAIRS COMMITTEE

AN ACT

1
2 RELATING TO ANATOMICAL GIFTS; AMENDING SECTION 39-3404, IDAHO CODE, TO PRO-
3 VIDE THAT A PERSON FIFTEEN YEARS OF AGE OR OLDER MAY MAKE AN ANATOMICAL
4 GIFT WITH A PARENT'S OR GUARDIAN'S WRITTEN CONSENT.

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

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

8 39-3404. WHO MAY MAKE ANATOMICAL GIFT BEFORE DONOR'S DEATH. Subject to
9 section 39-3408, Idaho Code, an anatomical gift of a donor's body or part
10 may be made during the life of the donor for the purpose of transplantation,
11 therapy, research or education in the manner provided in section 39-3405,
12 Idaho Code, by:

13 (1) The donor, if the donor is an adult or if the donor is a minor and is:

14 (a) Emancipated; or

15 (b) At least ~~sixteen~~ fifteen (165) years of age, provided however, that
16 if the donor is ~~sixteen~~ fifteen (165) years of age or older and less than
17 eighteen (18) years of age, a parent or an adult guardian must consent in
18 writing in the presence of the donor.

19 (2) An agent of the donor, unless the power of attorney for health care
20 or other record prohibits the agent from making an anatomical gift;

21 (3) A parent of the donor, if the donor is an unemancipated minor; or

22 (4) The donor's guardian.