
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

SB Original

DIGEST
2026 Regular Session

Pressly

Proposed law, relative to anatomical gifts, clarifies that no authorization to make an anatomical gift after death is to be construed as consent to any act undertaken prior to death. Provides that revocation of an anatomical gift constitutes a refusal and bars subsequent authorization by another person unless the donor re-authorizes the gift.

Proposed law lists the methods for executing an anatomical gift and methods by which one can refuse to make an anatomical gift. Provides that an unrevoked refusal bars others from making an anatomical gift on the person's behalf.

Proposed law prohibits governmental entities, including driver's license authorities, from soliciting or recording anatomical gift authorization or refusal from minors in the absence of a parent or legal guardian and preserves requirement for express parental or guardian concurrence for any representation made to a minor but permits recordings of representations solely for informational purposes.

Proposed law defines a donation after circulatory death and after brain death as when determined by a licensed physician based on ordinary standards of approved medical practice when the person has experienced irreversible cessation of spontaneous respiratory and circulatory funds. Prohibits premortem interventions that have a material likelihood of hastening death or manufacturing irreversibility regardless of consent. Provides that authorization to make an anatomical gift after death does not constitute consent to premortem interventions.

Proposed law requires disclosure and express authorization for post-determination transport of a decedent to another facility and for continuation of mechanical support following death and standards for lawful organ and tissue recovery.

Proposed law provides a limited judicial review mechanism confined to enforcement of existing law and legally effective authorization, refusal, and consent. Limits judicial review to material violations of law and authorizes expedited proceedings where necessary to prevent irreparable harm.

Effective January 1, 2027.

(Amends R.S. 17:2351, 2354, 2354.1 and 2354.2; adds R.S.17:2351.1, 2354.10-2354.13)