

2026 Regular Session

SENATE BILL NO. 427 (Substitute of Senate Bill No. 311 by Senator Pressly)

BY SENATOR PRESSLY

DONATIONS. Provides for procedures and methods to execute gifts under the Anatomical Gift Act. (1/1/27)

1 AN ACT

2 To amend and reenact R.S. 17:2351, 2352, 2354, 2354.1, 2354.2, 2354.7, 2354.8, and

3 2357(A) and (F) and to enact R.S. 17:2351.1 and 2354.10 through 2354.14, relative

4 to anatomical gifts; to provide requirements and methods for executing an

5 anatomical gift; to provide for definitions; to provide for authority to execute or

6 revoke an anatomical gift; to provide for an effective date; and to provide for related

7 matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 17:2351, 2352, 2354, 2354.1, 2354.2, 2354.7, 2354.8, and 2357(A)

10 and (F) are hereby amended and reenacted and R.S. 17:2351.1 and 2354.10 through 2354.14

11 are hereby enacted to read as follows:

12 §2351. Definitions

13 As used in this Part, the following terms have the following meanings:

14 (1) "Adult" means a person who has attained eighteen years of age.

15 (2) "Agent" means a person:

16 (a) Authorized to make health care decisions on behalf of the principal by a

17 power of attorney for health care; or

1 (b) Expressly authorized to make an anatomical gift on behalf of the principal  
2 by any other record signed by the principal.

3 (3) "Anatomical gift" or "gift" means a donation of all or part of a human  
4 body to take effect after the death of the donor for the purpose of transplantation,  
5 therapy, research, or education.

6 **(4) "Authorization" means a legally effective expression of intent**  
7 **governing acts to be undertaken after the death of the individual, including the**  
8 **recovery of organs or tissue pursuant to an anatomical gift.**

9 **(5) "Consent" means a legally effective permission governing acts to be**  
10 **undertaken prior to the death of the individual, including pre-mortem**  
11 **interventions, tests, procedures, or medications.**

12 ~~(4)~~**(6)** "Decedent" means a deceased person whose body or part is or may be  
13 the source of an anatomical gift. The term does not include a stillborn infant and,  
14 subject to restrictions imposed by law, a fetus.

15 ~~(5)~~**(7)** "Disinterested witness" means a witness other than the spouse, child,  
16 parent, sibling, grandchild, grandparent, or guardian of the person who makes,  
17 amends, revokes, or refuses to make an anatomical gift, or an adult who exhibited  
18 special care and concern for the person. The term does not include a recipient of an  
19 anatomical gift in accordance with the provisions of R.S. 17:2353.

20 ~~(6)~~**(8)** "Document of gift" means a donor card or other record used to make  
21 an anatomical gift. The term includes a statement or symbol on a driver's license,  
22 identification card, fishing license, hunting license, or ~~donor~~ registry.

23 **(9) "Donation after circulatory death" or "DCD" means the recovery of**  
24 **organs or tissue for transplantation following the determination of death based**  
25 **on irreversible cessation of spontaneous circulatory and respiratory functions**  
26 **in accordance with R.S. 9:111.**

27 **(10) "Donation after brain death" or "DBD" means the recovery of**  
28 **organs or tissue for transplantation following the determination of death based**  
29 **on irreversible total cessation of brain function in accordance with R.S. 9:111.**

1           ~~(7)~~**(11)** "Donor" means a person whose body or part is the subject of an  
2 anatomical gift.

3           ~~(8)~~ "Donor registry" means a database that contains records of anatomical  
4 gifts and amendments to or revocations thereof.

5           ~~(9)~~**(12)** "Driver's license" means a license or permit issued by the Louisiana  
6 Department of Public Safety and Corrections, office of motor vehicles, to operate a  
7 vehicle, whether or not conditions are attached to the license or permit.

8           ~~(10)~~**(13)** "Eye bank" means a person that is licensed, accredited, or regulated  
9 under federal or state law to engage in the recovery, screening, testing, processing,  
10 storage, or distribution of human eyes or portions of human eyes.

11           ~~(11)~~**(14)** "Fishing license" means a license or permit issued by the Louisiana  
12 Department of Wildlife and Fisheries to fish as defined in R.S. 56:8, for a  
13 recreational purpose as defined in R.S. 56:8.

14           ~~(12)~~**(15)** "Guardian" means a person appointed by a court to make decisions  
15 regarding the support, care, education, health, or welfare of a person. The term does  
16 not include a guardian ad litem.

17           ~~(13)~~**(16)** "Hospital" means a facility licensed as a hospital under the laws of  
18 any state or a facility operated as a hospital by the United States, a state, or a  
19 subdivision of a state.

20           ~~(14)~~**(17)** "Hunting license" means a license or permit issued by the Louisiana  
21 Department of Wildlife and Fisheries to hunt as defined in R.S. 56:8 for a  
22 recreational purpose as defined in R.S. 56:8.

23           ~~(15)~~**(18)** "Identification card" means a card issued by the Louisiana  
24 Department of Public Safety and Corrections, office of motor vehicles.

25           ~~(16)~~**(19)** "Know" means to have actual knowledge.

26           **(20) "Legally effective" means having binding force under this Part and**  
27 **not subject to override except as expressly provided by law.**

28           ~~(17)~~**(21)** "Minor" means a person who has not yet attained eighteen years of  
29 age.

1           ~~(18)~~(22) "Organ procurement organization" means a person designated by the  
2 secretary of the United States Department of Health and Human Services as an eye  
3 bank, organ procurement organization, or tissue bank.

4           ~~(19)~~(23) "Parent" means a person whose parental rights have not been  
5 terminated.

6           ~~(20)~~(24) "Part" means an organ, an eye, or tissue of a human being. The term  
7 does not include the whole body.

8           ~~(21)~~(25) "Person" means an individual, corporation, business trust, estate,  
9 trust, partnership, limited liability company, association, joint venture, public  
10 corporation, government or governmental subdivision, agency, or instrumentality,  
11 or any other legal or commercial entity.

12           ~~(22)~~(26) "Physician" means a person authorized and licensed to practice  
13 medicine or osteopathy under the laws of any state.

14           ~~(23)~~(27) "Prospective donor" means a person who is dead or near death and  
15 has been determined by a procurement organization to have a part that may be  
16 medically suitable for transplantation, therapy, research, or education. The term does  
17 not include a person who has made a refusal.

18           ~~(24)~~(28) "Reasonably available" means able to be contacted by a procurement  
19 organization without undue effort and willing and able to act in a timely manner  
20 consistent with existing medical criteria necessary for the making of an anatomical  
21 gift.

22           ~~(25)~~(29) "Recipient" means a person into whose body a part of a decedent has  
23 been or is intended to be transplanted.

24           ~~(26)~~(30) "Record" means information that is inscribed on a tangible medium  
25 or that is stored in an electronic or other medium and is retrievable in perceivable  
26 form.

27           ~~(27)~~(31) "Refusal" means a ~~record created pursuant to the provisions of R.S.~~  
28 ~~17:2354.1~~ **legally effective expression of intent not to make an anatomical gift**  
29 **under this Part**, that expressly states an intent to bar **or has the legal effect of**

1 **barring** other persons from making an anatomical gift of a body or part of a person.

2 **(32) "Registry" means a record or database maintained or recognized**  
3 **by the state that contains records of legally effective anatomical gift decisions,**  
4 **including authorizations, refusals, amendments, revocations, affirmations of**  
5 **prior decisions, and indications that no anatomical gift decision should be**  
6 **recorded.**

7 ~~(28)~~**(33)** "Sign" means, with the present intent to authenticate or adopt a  
8 record, either:

9 (a) To execute or adopt a tangible symbol.

10 (b) To attach to or logically associate with the record an electronic symbol,  
11 sound, or process.

12 ~~(29)~~**(34)** "State" means a state of the United States, the District of Columbia,  
13 Puerto Rico, the United States Virgin Islands, or any territory or insular possession  
14 subject to the jurisdiction of the United States.

15 ~~(30)~~**(35)** "Technician" means any individual determined to be qualified to  
16 remove or process parts by an appropriate organization that is licensed, accredited,  
17 or regulated under federal or state law. The term includes an enucleator.

18 ~~(31)~~**(36)** "Tissue" means a portion of the human body other than an organ or  
19 an eye. The term does not include blood unless the blood is donated for the purpose  
20 of research or education.

21 ~~(32)~~**(37)** "Tissue bank" means a person that is licensed, accredited, or  
22 regulated under federal or state law to engage in the recovery, screening, testing,  
23 processing, storage, or distribution of tissue.

24 ~~(33)~~**(38)** "Transplant hospital" means a hospital that furnishes organ  
25 transplants and other medical and surgical specialty services required for the care of  
26 transplant patients.

27 **§2351.1. Rule of construction**

28 **A. Nothing in this Part shall be construed to permit the recovery of an**  
29 **unpaired vital organ in a manner that causes or hastens the death of the donor,**

1 or prior to death being determined in accordance with R.S. 9:111.

2 B. Nothing in this Part shall be construed to prohibit living organ or  
3 tissue donation that does not result in the death of the donor and is otherwise  
4 authorized by law.

5 C. Unless expressly provided by law, authorization to make an  
6 anatomical gift after death shall not be construed as consent to any act  
7 undertaken prior to death.

8 §2352. Applicability; persons who may make an anatomical gift or refusal prior to  
9 the death of the donor

10 A. The provisions of this Part shall apply to an anatomical gift or amendment,  
11 revocation, or refusal to make an anatomical gift.

12 B. Subject to the provisions of R.S. 17:2354.2, an anatomical gift or refusal  
13 of a body or part of the donor may be made during his life for the purpose of  
14 transplantation, therapy, research, or education as provided in R.S. 17:2354 by any  
15 of the following:

- 16 (1) An adult donor.
- 17 (2) A minor donor, ~~if he who has been emancipated or authorized under state~~  
18 ~~law to apply for a driver's license~~ who is emancipated pursuant to law or who is  
19 legally married.

20 (3) An agent of the donor, as defined in R.S. 17:2351, unless the power of  
21 attorney for health care or other record prohibits it.

22 (4) A parent of the donor, if he is an unemancipated minor.

23 (5) The guardian of the donor.

24 \* \* \*

25 §2354. Manner of executing anatomical gift prior to death of donor

26 A. ~~A donor may make an anatomical gift~~ An anatomical gift may be made  
27 by persons as provided by and in accordance with R.S. 17:2352 by any of the  
28 following methods:

- 29 (1) ~~Authorizing~~ By a document of gift signed by the donor, including

1 **authorization of** a statement or symbol ~~indicating that the donor has made an~~  
 2 ~~anatomical gift to be imprinted on his~~ **on a** driver's license, identification card,  
 3 fishing license, or hunting license, **or registry, as provided by law.**

4 (2) Executing a will.

5 (3) ~~Any form of communication addressed to at least two adults, at least one~~  
 6 ~~of whom is a disinterested witness, during a terminal illness or injury.~~ **By a**  
 7 **document of gift signed by another individual acting at the direction of the**  
 8 **donor if the donor is physically unable to sign, provided the document is**  
 9 **witnessed by two adults, at least one of whom is a disinterested witness, and**  
 10 **states that it was signed and witnessed as provided in this Paragraph.**

11 **(4) Any form of communication made during a terminal illness or injury**  
 12 **and addressed to a physician or made in the presence of at least one**  
 13 **disinterested adult witness, provided that:**

14 **(a) If communicated to a physician, the communication is promptly**  
 15 **documented in the medical record, including the date, time, and identity of the**  
 16 **person receiving the communication; or**

17 **(b) If made in the presence of a disinterested adult witness, the witness**  
 18 **attests to the communication in writing.**

19 B. ~~A donor or other person authorized to make an anatomical gift pursuant~~  
 20 ~~to R.S. 17:2352 may make a gift by a donor card or other record signed by the person~~  
 21 ~~making the gift or by authorizing that a statement or symbol indicating that a gift has~~  
 22 ~~been made be included on a donor registry. If the donor or other person is physically~~  
 23 ~~unable to sign a record, the record may be signed by another person at the direction~~  
 24 ~~of the person making the gift and the record shall:~~

25 ~~(1) Be witnessed by two adults, one of whom is a disinterested witness, who~~  
 26 ~~have signed at the request of the person making the gift; and~~

27 ~~(2) State that it has been signed and witnessed as provided in Paragraph (1)~~  
 28 ~~of this Subsection.~~

29 **B. A refusal to make an anatomical gift may be executed in the same**

1 manner and with the same legal effect as an anatomical gift under Subsection  
 2 A of this Section.

3 C. An anatomical gift or refusal executed in accordance with this Section  
 4 constitutes a legally effective expression of the donor's intent and shall be given  
 5 effect in accordance with this Part. A gift or refusal shall not be revoked,  
 6 amended, or overridden except as expressly provided by law. A revocation  
 7 under this Part withdraws a prior authorization or refusal and does not itself  
 8 constitute an authorization or refusal.

9 ~~C.D.~~ Revocation, suspension, expiration, or cancellation of a driver's license,  
 10 identification card, fishing license, or hunting license upon which an anatomical gift  
 11 is indicated does not invalidate the gift.

12 ~~D.E.~~ An anatomical gift executed in a will takes effect upon the death of the  
 13 donor whether or not the will is probated. Invalidation of the will after the death of  
 14 the donor does not invalidate the gift.

15 §2354.1. Refusal to make anatomical gift; effect

16 A. ~~A person~~ **An individual** may refuse to make an anatomical gift of ~~his~~ **the**  
 17 **individual's** body or part by executing ~~any of the following:~~ **a refusal in any**  
 18 **manner authorized for the execution of an anatomical gift under R.S. 17:2354.**

19 ~~(1) A signed record in accordance with Subsection B of this Section or if he~~  
 20 ~~is physically unable to sign, another person acting at the direction of the person shall~~  
 21 ~~sign.~~

22 ~~(2) A will and testament, whether or not the will is admitted to probate or~~  
 23 ~~invalidated after his death.~~

24 ~~(3) Any form of communication made by the person during a terminal illness~~  
 25 ~~or injury addressed to at least two adults, one of whom is a disinterested witness.~~

26 B. ~~A signed record, shall be witnessed by at least two adults, one of whom~~  
 27 ~~is a disinterested witness, and shall state that it has been signed and witnessed as~~  
 28 ~~provided in Subsection A of this Section.~~

29 **B. A refusal executed pursuant to this Section shall be subject to the**

1 same requirements regarding form, signature, witnesses, authentication, and  
2 recording as applied to the execution of an anatomical gift under R.S. 17:2354.

3 C. A person who has made a refusal to make an anatomical gift, may amend  
4 or revoke the refusal in any of the following ways:

5 ~~(1) In the manner provided in Subsection A of this Section for making a~~  
6 ~~refusal.~~

7 ~~(2) By subsequently making an anatomical gift in accordance with R.S.~~  
8 ~~17:2354 that is inconsistent with the refusal.~~

9 ~~(3) By destroying or canceling the record or a portion thereof evidencing the~~  
10 ~~refusal, with the intent of revocation.~~

11 C. A refusal executed in accordance with this Section constitutes a legally  
12 effective expression of the individual's intent and shall be given full force and  
13 effect under this Part.

14 D. Except as otherwise provided in R.S. 17:2354.2, in the absence of an  
15 express contrary indication set forth in the refusal, an unrevoked refusal bars all  
16 other persons from making an anatomical gift of the body or part of the ~~person~~  
17 individual.

18 E. A refusal may be amended or revoked only in the manner provided  
19 in this Part.

20 F. A refusal may include limitations or special instructions, which shall  
21 be honored to the extent permitted by law.

22 G. A revocation of a refusal is a neutral act that withdraws the prior  
23 refusal, does not constitute an anatomical gift, and results in no anatomical gift  
24 decision being in effect unless and until a new authorization or refusal is made  
25 in accordance with this Part.

26 §2354.2. Preclusive effect of anatomical gift; amendment; revocation

27 ~~A. Except as otherwise provided in Subsection G of this Section and subject~~  
28 **Subject** to Subsection F of this Section, in the absence of an express, contrary  
29 indication by the donor, a person other than the donor is barred from making,

1 amending, or revoking an anatomical gift of the body or part of the donor if the gift  
2 ~~complies with R.S. 17:2354 or 2356~~ **was executed in accordance with R.S. 17:2354**  
3 **and has not been amended or revoked in accordance with R.S. 17:2356.**

4 B. A revocation of a **an anatomical** gift in accordance with R.S. 17:2356 is  
5 ~~not a refusal and does not bar another person from making an anatomical gift of the~~  
6 ~~body or part of the donor~~ **a neutral act that withdraws the prior anatomical gift,**  
7 **does not constitute a refusal for purposes of this Part, and results in no**  
8 **anatomical gift decision being in effect unless and until a new authorization or**  
9 **refusal is made** in accordance with this Part.

10 C. If a person other than the donor makes an ~~unrevoked~~ anatomical gift of the  
11 body or part ~~or of~~ **of** the donor in accordance with R.S. 17:2354 or amends a gift of the  
12 body or part of the donor in accordance with R.S. 17:2356, another person may not  
13 ~~make, amend, or revoke the gift,~~ in accordance with R.S. 17:2356.

14 D. A revocation of an anatomical gift of the body or part of a donor in  
15 accordance with R.S. 17:2356 by a person other than the donor ~~does not bar another~~  
16 ~~person from making an anatomical gift of the body or part in accordance with R.S.~~  
17 ~~17:2354 or 2356~~ **withdraws the prior gift but does not constitute a refusal and**  
18 **does not bar another person from making an anatomical gift of the body or part**  
19 **in accordance with this Part.**

20 E. In the absence of an express, contrary indication by the donor or other  
21 person authorized to make an anatomical gift, an anatomical gift of a part is neither  
22 a refusal to give another part nor a limitation on the making of a gift of another part  
23 at a later time by the donor or another person.

24 F. In the absence of an express, contrary indication by the donor or other  
25 person authorized to make an anatomical gift, an anatomical gift of a part for one or  
26 more of the purposes in R.S. 17:2352 is not a limitation on the making of an  
27 anatomical gift of the part for any other purpose in accordance with R.S. 17:2354 ~~or~~  
28 ~~2356.~~

29 G. ~~If an unemancipated minor donor dies, his reasonably available parent~~



1 cooperate with any person administering any ~~donor~~ registry that this state  
2 establishes, contracts for, or recognizes for the purpose of transferring to the ~~donor~~  
3 registry all relevant information regarding ~~the making, amendment to, or revocation~~  
4 ~~of an anatomical gift~~ **an individual's anatomical gift decision, including**  
5 **authorization, refusal, amendment, revocation of a prior authorization or**  
6 **refusal, affirmation of a previously recorded decision, or indication that no**  
7 **anatomical gift decision should be recorded, or informational indication in the**  
8 **case of a minor.**

9 C. A ~~donor~~ registry shall be accessible seven days a week, twenty-four hours  
10 a day and allow each of the following:

11 (1) A ~~donor~~ **An individual** or other person authorized in accordance with  
12 R.S. 17:2352 to include on the ~~donor~~ registry a statement or symbol that the ~~donor~~  
13 **individual** has made, amended, or revoked an anatomical gift **or amended an**  
14 **anatomical gift decision, revoked a prior authorization or refusal, affirmed a**  
15 **previously recorded authorization or refusal, or has indicated that no**  
16 **anatomical gift decision should be recorded.**

17 (2) A procurement organization to obtain relevant information **from the**  
18 **registry** to determine, at or near death of the ~~donor~~ or a prospective donor, whether  
19 the ~~donor~~ or prospective donor has made, amended, or revoked an anatomical gift  
20 **individual, whether the individual has made or amended an anatomical gift**  
21 **decision, revoked a prior authorization or refusal, affirmed a previously**  
22 **recorded authorization or refusal, or whether no anatomical gift decision is**  
23 **recorded.**

24 D. Personally identifiable information on a ~~donor~~ registry may not be used  
25 or disclosed without the express consent of the ~~donor~~ **individual**, prospective donor,  
26 or person that made the anatomical gift, for any purpose except to determine, at or  
27 near the death of the ~~donor~~ **individual**, whether ~~he~~ **the individual** has made;  
28 amended, or revoked an anatomical gift **or amended an anatomical gift decision,**  
29 **revoked a prior authorization or refusal, affirmed a previously recorded**

1 authorization or refusal, or whether no anatomical gift decision is recorded.

2 E. This Section does not prohibit any person from creating or maintaining a  
3 donor registry that is not established by or contracted with the state. Any such  
4 registry shall comply with Subsections C and D of this Section and shall not  
5 supersede the registry recognized by the state under this Section unless the  
6 record is in accordance with R.S. 17:2354.7. A revocation recorded in the  
7 registry withdraws a prior authorization or refusal and results in no anatomical  
8 gift decision being recorded unless and until a new authorization or refusal is  
9 made.

10 \* \* \*

11 §2354.10. Anatomical gifts by minors

12 A. No state agency, political subdivision, department, office, or  
13 contractor thereof, including the office responsible for the issuance of driver's  
14 licenses or identification cards, shall solicit, query, or request from a minor any  
15 authorization for or refusal to make an anatomical gift in the absence of a  
16 parent or legal guardian.

17 B. No representation by a minor concerning anatomical gift  
18 authorization or refusal shall be recorded, relied upon, or given legal effect  
19 unless made in the presence of a parent or legal guardian who affirmatively and  
20 expressly concurs in writing in the decision of the minor.

21 C. Any representation made by a minor concerning an anatomical gift  
22 authorization or refusal, when made in the presence of and with the affirmative  
23 and express written concurrence of a parent or legal guardian, may be recorded  
24 solely for informational purposes and shall not be legally operative prior to the  
25 minor attaining the age of majority.

26 D. Upon attainment of the age of majority, any informational record of  
27 anatomical gift authorization or refusal made by the individual as a minor in  
28 accordance with this Section shall become legally operative unless the individual  
29 affirmatively amends or revokes the record in accordance with law.

1           E. Notwithstanding any provision of this Part, this Section shall not  
2           apply to a minor who is emancipated pursuant to law or who is legally married,  
3           and the individual shall be treated as an adult for purposes of this Part.

4           F. Nothing in this Section shall be construed to limit the authority of a  
5           parent or legal guardian to make or refuse an anatomical gift on behalf of a  
6           minor as otherwise provided by law.

7           §2354.11. Premortem interventions; definitions; prohibitions

8           A. For purposes of this Section, "premortem intervention" means any  
9           medical procedure, test, medication, cannulation, or other intervention  
10           undertaken prior to the determination of death for the purpose of facilitating  
11           organ or tissue recovery.

12           B. No premortem intervention shall be performed unless it is medically  
13           indicated for the direct benefit of the patient or is performed pursuant to a  
14           legally effective consent applicable to premortem interventions, as provided in  
15           this Section.

16           C. Regardless of consent, no person shall perform or direct any  
17           premortem intervention that has a material likelihood of any of the following:

18                   (1) Hastening death.

19                   (2) Manufacturing, accelerating, or securing irreversibility of  
20           circulatory, respiratory, or neurologic cessation.

21                   (3) Preventing or materially interfering with the restoration or  
22           resumption of circulatory, respiratory, or neurologic function.

23           D. Any physician or individual who performs or directs a premortem  
24           intervention shall be independent of, and shall not participate in, the recovery  
25           or transplantation of any organ or tissue from the individual, and shall not be  
26           a member of the transplant team.

27           E. Authorization to make an anatomical gift after death does not  
28           constitute consent to any premortem intervention, test, procedure, or  
29           medication. Consent for any premortem intervention shall be separately and

1 expressly obtained and shall be legally effective only if the following occur:

2 (1) The consent is given by the patient, or by another person legally  
3 authorized under Louisiana law to consent to medical treatment on behalf of the  
4 patient.

5 (2) The consent is voluntary and informed.

6 (3) The nature and purpose of the premortem intervention are  
7 specifically described.

8 (4) The patient or other person authorized to consent is informed that  
9 the intervention is performed for the purpose of facilitating organ or tissue  
10 recovery and is not medically indicated for the care or treatment of the patient.

11 (5) The consent does not authorize any premortem intervention that  
12 poses a material risk of causing or hastening the death of the patient, or a  
13 material risk of interfering with the determination of death in accordance with  
14 R.S. 9:111.

15 F. Nothing in this Section shall be construed to alter the standards for  
16 determination of death under R.S. 9:111 or to authorize any practice  
17 inconsistent with that Section.

18 G. Nothing in this Section shall be construed to prohibit the provision of  
19 comfort care, palliative treatment, or the withdrawal or withholding of  
20 life-sustaining treatment in accordance with applicable law and accepted  
21 medical standards.

22 §2354.12. Post-determination handling and transport of the decedent

23 A. This Section applies following the determination and pronouncement  
24 of death under R.S. 9:111 and the recovery of any organ or tissue pursuant to  
25 an anatomical gift.

26 B. Prior to the recovery of organs or tissue, the individual authorized to  
27 make an anatomical gift, or the individual's authorized representative where  
28 applicable, shall be informed in writing of any plan to do any of the following:

29 (1) Transport the decedent from the hospital or facility where death was

1 determined to another facility for further organ or tissue recovery, processing,  
2 or handling.

3 (2) Continue mechanical ventilation, perfusion, or other artificial  
4 support of bodily functions following the determination of death for purposes  
5 related to organ or tissue recovery.

6 C. No transport or continuation of mechanical support described in  
7 Subsection B of this Section shall occur unless expressly authorized as part of  
8 a legally effective authorization applicable to post-determination handling and  
9 transport.

10 D. Authorization to make an anatomical gift after death shall not, by  
11 itself, constitute authorization for transport of the decedent to a nonhospital  
12 facility or for continuation of mechanical support following death  
13 determination.

14 E. Any handling or transport of the decedent following death  
15 determination and organ or tissue recovery shall be conducted in a manner  
16 consistent with the dignity of the decedent and with the reasonable expectations  
17 of the family, as informed by the disclosures made under this Section.

18 F. Nothing in this Section shall be construed to limit the recovery of  
19 organs or tissue otherwise authorized by law, to alter the standards for  
20 determination of death under R.S. 9:111, or, except to the extent necessary to  
21 carry out a valid anatomical gift, to alter or transfer the custodial authority of  
22 the person or persons authorized by law to control disposition of the body.

23 §2354.13. Effect of anatomical gift decisions

24 A. An authorization recorded in the registry constitutes a legally  
25 effective expression of intent and supersedes any prior refusal.

26 B. A refusal recorded in the registry constitutes a legally effective  
27 expression of intent and supersedes any prior authorization.

28 C. The most recent authorization or refusal recorded in the registry shall  
29 control.

1                    D. The absence of a recorded authorization or refusal indicates that no  
2                    anatomical gift decision has been recorded in the registry and shall not  
3                    constitute authorization or refusal.

4                    E. A response to a query by the office of motor vehicles or other state  
5                    agency indicating that no anatomical gift decision should be recorded shall not  
6                    constitute an authorization or refusal and shall have no legal effect.

7                    F. An informational indication made by a minor shall not constitute a  
8                    legally effective authorization or refusal.

9                    §2354.14. Out-of-state anatomical gift decisions; effect

10                   A. An anatomical gift decision, including an authorization or refusal,  
11                   made in another state that is valid under the laws of that state or of this state  
12                   shall be recognized as a legally effective anatomical gift decision in this state.

13                   B. The effect of an anatomical gift decision recognized under this Section  
14                   shall be determined in accordance with the laws of this state.

15                   C. If multiple anatomical gift decisions exist, including decisions made  
16                   in another state, the most recent legally effective authorization or refusal shall  
17                   control.

18                   D. If the laws of another state conflict with the provisions of this Part, the  
19                   provisions of this Part shall govern the determination of the effect of the  
20                   anatomical gift decision.

21                   E. Notwithstanding any provision of another state's law, an anatomical  
22                   gift decision made by a minor shall not constitute a legally effective  
23                   authorization or refusal in this state.

24                   \*           \*           \*

25                   §2357. Rights and duties of procurement organizations; others

26                   A. When a hospital refers a person at or near death to a procurement  
27                   organization, the procurement organization shall make a reasonable search of the  
28                   records of the office of motor vehicles and ~~any known donor~~ **the registry recognized**  
29                   **under R.S. 17:2354.8** to ascertain whether the person has made ~~an anatomical gift~~



shall control.

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 functions. 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 for the effect of anatomical gift decisions and out-of-state anatomical gift decisions.

Effective January 1, 2027.

(Amends R.S. 17:2351, 2352, 2354, 2354.1, 2354.2, 2354.7, 2354.8, and 2357(A) and (F); adds R.S.17:2351.1 and 2354.10-14)

#### Summary of Amendments Adopted by Senate

##### Senate Floor Amendments to engrossed bill

1. Aligns provisions regarding minor donor eligibility.
2. Adds references in present law to proposed law provisions.
3. Makes technical changes.