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)]

DIGEST

SB 427 Reengrossed 2026 Regular Session Pressly

Present law establishes the Anatomical Gift Act.

Proposed law, relative to anatomical gifts, provides that no authorization to make an anatomical gift after death is to be construed as consent to any act undertaken prior to death.

Proposed law provides that an anatomical gift may be made by an individual who is at least 18 years of age or older or a minor who is emancipated pursuant to law or who is legally married, and who is otherwise authorized by law to make healthcare decisions for himself.

Proposed law provides for methods for making an anatomical gift and provides that a refusal to make an anatomical gift may be executed in the same manner and with the same legal effect as an anatomical gift.

Proposed law provides that a revocation of a refusal is a neutral act that withdraws the prior refusal, does not constitute an anatomical gift, and results in no anatomical gift decision being in effect unless and until a new authorization or refusal is made.

Proposed law provides that if multiple anatomical gift decisions exist, including decisions made in another state or country, the most recent legally effective authorization or refusal 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.