

Introduced by Senator Galgiani

February 19, 2016

An act to add Section 7150.16 to the Health and Safety Code, relating to anatomical gifts.

LEGISLATIVE COUNSEL'S DIGEST

SB 1419, as introduced, Galgiani. Uniform Anatomical Gift Act: prison inmates.

Existing law establishes a system of state prisons. Existing law, the Uniform Anatomical Gift Act, sets forth the methods and procedures for a person to become a donor of an anatomical gift.

This bill would authorize a prisoner in the custody of the Department of Corrections and Rehabilitation to elect to make an anatomical gift on a form developed by the department, as specified. The bill would authorize the prisoner to make that election at the time of admittance into the state prison system, or at a later time at the prisoner's request. The bill would establish a procedure by which a prisoner may revoke that election.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 7150.16 is added to the Health and Safety
- 2 Code, to read:
- 3 7150.16. (a) The Department of Corrections and Rehabilitation
- 4 shall develop and adopt a form that will allow a prisoner in the
- 5 custody of the department to elect to make an anatomical gift in
- 6 the event of his or her death. The form shall be included in the

1 prisoner’s central file maintained by the department. The form
2 shall be titled “Document of Gift—Donate Life California Organ
3 and Tissue Donor Registry,” shall be a document of gift as defined
4 in paragraph (6) of subdivision (a) of Section 7150.10, and shall
5 at a minimum have the following characteristics:
6 (1) Clearly indicates the prisoner’s election to be added to the
7 donor registry.
8 (2) Contains a statement notifying the prisoner that by signing
9 or placing his or her mark on the form the prisoner is legally
10 authorizing the recovery of his or her organs or tissues for the uses
11 described in this chapter in the event of his or her death.
12 (3) Contains the prisoner’s signature, or mark if the prisoner
13 cannot write.
14 (b) The form described in subdivision (a) shall be presented to
15 the prisoner upon his or her first admittance into the state prison
16 system, and the prisoner may elect to sign it or refuse to sign it at
17 that time.
18 (c) The form described in subdivision (a) shall be made available
19 for completion and signature at the prisoner’s request, consistent
20 with the policies and procedures of the Department of Corrections
21 and Rehabilitation.
22 (d) A prisoner may revoke his or her election to make an
23 anatomical gift at any time by delivery of a written statement to
24 the official in charge of the facility where the prisoner is confined.
25 Upon receipt of that statement, the Department of Corrections and
26 Rehabilitation shall mark the document of gift described in
27 subdivision (a) as revoked and shall retain the revoked document
28 of gift and the statement received pursuant to this subdivision in
29 the prisoner’s central file.

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