

AMENDED IN SENATE APRIL 13, 2016

SENATE BILL

No. 1419

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 amended, 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

1 custody of the department to elect to make an anatomical gift in
 2 the event of his or her death. The form shall be included in the
 3 prisoner’s central file maintained by the department. The form
 4 shall be titled “Document of Gift—Donate Life California Organ
 5 and Tissue Donor Registry,” shall be a document of gift as defined
 6 in paragraph (6) of subdivision (a) of Section 7150.10, and ~~shall~~
 7 ~~at a minimum have~~ *shall include, at a minimum, all of the following*
 8 characteristics:

9 (1) Clearly indicates the prisoner’s election to be added to the
 10 donor registry.

11 (2) *Allows the prisoner to designate whether the prisoner would*
 12 *like to donate his or her organs or tissues for transplantation or*
 13 *research, or both.*

14 (3) *Allows the prisoner to state any donation limitation*
 15 *specifying the organs and tissues that the prisoner does not provide*
 16 *legal consent to be recovered.*

17 (4) *Contains an advisement that states all of the following:*

18 (A) *Electing to make an anatomical gift is completely voluntary.*

19 (B) *There are no repercussions for declining to, or benefits for*
 20 *agreeing to, elect to make an anatomical gift.*

21 (C) *The prisoner may consult with a medical professional or*
 22 *counselor about his or her decision.*

23 (D) *The prisoner may revoke his or her election to make an*
 24 *anatomical gift at any time, as described in subdivision (d).*

25 ~~(2)~~

26 (5) Contains a statement notifying the prisoner that by signing
 27 or placing his or her mark on the ~~form~~ *form*, the prisoner is legally
 28 authorizing the recovery of his or her organs or tissues for the uses
 29 described in this chapter in the event of his or her death.

30 ~~(3)~~

31 (6) Contains the prisoner’s signature, or mark if the prisoner
 32 cannot write.

33 (b) The form described in subdivision (a) shall be presented to
 34 the prisoner upon his or her first admittance into the state prison
 35 system, and the prisoner may elect to sign it or refuse to sign it at
 36 that time.

37 (c) The form described in subdivision (a) shall be made available
 38 for completion and signature at the prisoner’s request, consistent
 39 with the policies and procedures of the Department of Corrections
 40 and Rehabilitation.

1 (d) A prisoner may revoke his or her election to make an
2 anatomical gift at any time by delivery of a written statement to
3 the official in charge of the facility where the prisoner is confined.
4 Upon receipt of that statement, the Department of Corrections and
5 Rehabilitation shall mark the document of gift described in
6 subdivision (a) as revoked and shall retain the revoked document
7 of gift and the statement received pursuant to this subdivision in
8 the prisoner's central file.

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