

AN ACT

ENTITLED, An Act to revise certain provisions related to anatomical gifts.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 34-26-23.1 be amended to read as follows:

34-26-23.1. If a document of gift is attached to or imprinted on a donor's motor vehicle driver license or nondriver identification card, the document of gift shall comply with § 34-26-23. If a person is less than eighteen years of age, a document of gift may only be attached to or imprinted on a donor's motor vehicle driver license or nondriver identification card if a parent or guardian of the person consents. Revocation, suspension, expiration, or cancellation of the license does not invalidate the anatomical gift.

Section 2. That § 34-26-23.2 be amended to read as follows:

34-26-23.2. Any state or local law enforcement agency, officer, or personnel, that has access to a decedent's motor vehicle driver license or nondriver identification card, or the information thereon, shall inform, upon request, the decedent's attending physician or nurse, next of kin, the coroner, or any other person having lawful custody of the decedent's body, of the decedent's intention, as indicated on the decedent's motor vehicle driver license or nondriver identification card, to make an anatomical gift pursuant to § 34-26-23 or 34-26-23.1. Any state or local law enforcement agency, officer, or personnel shall also inform, upon request, any procurement agency for anatomical gifts, including organs, tissues, and eyes, of such intention of the decedent.

Section 3. That chapter 34-26 be amended by adding thereto a NEW SECTION to read as follows:

An anatomical gift of any part of the body under § 34-26-21 made pursuant to §§ 34-26-22 to 34-26-23.1, inclusive, is irrevocable by any person other than the donor as provided in section 4 of this Act. An anatomical gift does not require the consent or concurrence of any person after the

donor's death.

Section 4. That chapter 34-26 be amended by adding thereto a NEW SECTION to read as follows:

A donor may amend or revoke an anatomical gift only by:

- (1) Removing the designation from the donor's driver license or nondriver identification card;
- (2) An oral statement made by the donor to two persons in the presence of each other or to an attorney or attorney-in-fact indicating the donor's intent to revoke the gift;
- (3) Any form of communication made by the donor during a terminal illness or injury addressed to a physician or surgeon; or
- (4) A signed card or document found on the donor's person or in the donor's effects.

Section 5. That chapter 34-26 be amended by adding thereto a NEW SECTION to read as follows:

The Department of Commerce and Regulation, with the advice of the Department of Health, shall provide each person renewing or applying for a driver license or nondriver identification card an opportunity to review information about organ donation, such as information available from the organ procurement organization designated by the federal government for this state. The person shall affirm on the application that the person has reviewed the information.

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I certify that the attached Act
originated in the

SENATE as Bill No. 57

Secretary of the Senate

President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 57
File No. _____
Chapter No. _____

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Received at this Executive Office
this ____ day of _____ ,

20__ at _____ M.

By _____
for the Governor

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The attached Act is hereby
approved this _____ day of
_____, A.D., 20__

Governor

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STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 20__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State