

ACT 156

H.B. NO. 2661

A Bill for an Act Relating to Anatomical Gifts.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The purpose of this Act is to save lives, improve the quality of life for those in Hawaii who need organ transplants, and enhance the quality of medical education in Hawaii by ensuring that the wishes of individuals desiring to provide anatomical gifts on behalf of a decedent are fulfilled.

SECTION 2. Section 327-10, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Subject to subsection (c), an anatomical gift by a person authorized under section 327-9 may be amended or revoked orally or in a record by any member of a prior class who is reasonably available~~[-]; provided that any response other than an express, contrary indication regarding the decedent’s anatomical gift shall prohibit amendment or revocation of an anatomical gift of the decedent’s body or body parts.~~ If more than one member of the prior class is reasonably available, the gift made by a person authorized under section 327-9 may be amended or revoked only if a majority of the reasonably available members of that class agree to the amending or revoking of the gift ~~[or they are equally divided as to whether to amend or revoke an anatomical gift.]; provided that any response other than an express, contrary indication by the majority of the reasonably available members of that class regarding the decedent’s anatomical gift shall prohibit amendment or revocation of an anatomical gift of the decedent’s body or body parts.”~~

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 1, 2010.)