

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

400E0346

SENATE BILL NO. 57

Introduced by: The Committee on State Affairs at the request of the Department of Health

1 FOR AN ACT ENTITLED, An Act to revise certain provisions related to anatomical gifts.

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

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

4 34-26-23.1. If a document of gift is attached to or imprinted on a donor's motor vehicle

5 ~~operator's~~ driver license or nondriver identification card, the document of gift shall comply with

6 § 34-26-23. If a person is less than eighteen years of age, a document of gift may only be

7 attached to or imprinted on a donor's motor vehicle ~~operator's~~ driver license or nondriver

8 identification card if a parent or guardian of the person consents. Revocation, suspension,

9 expiration, or cancellation of the license does not invalidate the anatomical gift.

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

11 34-26-23.2. Any state or local law enforcement agency, officer, or personnel, that ~~may have~~

12 has access to a decedent's motor vehicle ~~operator's~~ driver license or nondriver identification card,

13 or the information thereon, shall inform, upon request, the decedent's attending physician or

14 nurse, next of kin, the coroner, or any other person having lawful custody of the decedent's body,

15 of ~~any intention of the decedent~~ the decedent's intention, as indicated on the decedent's motor

1 vehicle operator's driver license or nondriver identification card, to make an anatomical gift
2 pursuant to § 34-26-23 or 34-26-23.1. Any state or local law enforcement agency, officer, or
3 personnel shall also inform, upon request, any procurement agency for anatomical gifts, including
4 organs, tissues, and eyes, of such intention of the decedent.

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

7 An anatomical gift of all or part of the body under § 34-26-21 made pursuant to §§ 34-26-22
8 to 34-26-23.1, inclusive, is irrevocable by any person other than the donor as provided in section
9 4 of this Act. An anatomical gift does not require the consent or concurrence of any person after
10 the donor's death.

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

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

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