

## Article - Estates and Trusts

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§4–509.

(a) An anatomical gift may be made to the following persons named in a document of gift:

(1) A hospital, an accredited medical school, a dental school, a college or university, an organ procurement organization, the State Anatomy Board, or a nontransplant tissue bank for research, training, or education;

(2) Subject to subsection (b) of this section, if the individual is the recipient of the part, an individual designated by the person making the anatomical gift; or

(3) An eye bank or a transplant tissue bank.

(b) If an anatomical gift to an individual under subsection (a)(2) of this section cannot be transplanted into the individual, the part passes in accordance with subsection (g) of this section in the absence of an express, contrary indication by the person making the anatomical gift.

(c) If an anatomical gift of one or more specific parts or of all parts is made in a document of gift that does not name a person described in subsection (a) of this section but identifies the purpose for which an anatomical gift may be used, the following provisions apply:

(1) If the part is an eye and the gift is for the purpose of transplantation or therapy, the gift passes to the appropriate eye bank;

(2) If the part is tissue and the gift is for the purpose of transplantation or therapy, the gift passes to the appropriate tissue bank;

(3) If the part is an organ and the gift is for the purpose of transplantation or therapy, the gift passes to the appropriate organ procurement organization as custodian of the organ; or

(4) If the part is an organ, an eye, or tissue and the gift is for the purpose of research or education, the gift passes to the appropriate procurement organization.

(d) For the purpose of subsection (c) of this section, if there is more than one purpose of an anatomical gift set forth in the document of gift but the purposes are not set forth in any priority, the gift shall be used:

(1) For transplantation or therapy, if suitable; or

(2) If the gift cannot be used for transplantation or therapy, for research or education.

(e) If an anatomical gift of one or more specific parts is made in a document of gift that does not name a person described in subsection (a) of this section and does not identify the purpose of the gift, the gift passes in accordance with subsection (g) of this section and may be used only for transplantation or therapy.

(f) If a document of gift specifies only a general intent to make an anatomical gift by words such as “donor”, “organ donor”, or “body donor”, or by a symbol or statement of similar import, the gift passes in accordance with subsection (g) of this section and may be used only for transplantation or therapy.

(g) For purposes of subsections (b), (e), and (f) of this section, the following provisions apply:

(1) If the part is an eye, the gift passes to the appropriate eye bank;

(2) If the part is tissue, the gift passes to the appropriate tissue bank; and

(3) If the part is an organ, the gift passes to the appropriate organ procurement organization as custodian of the organ.

(h) Other than an anatomical gift under subsection (a)(2) of this section, an anatomical gift of an organ for transplantation or therapy, research, or education passes to the organ procurement organization as custodian of the organ.

(i) If an anatomical gift does not pass in accordance with subsections (a) through (h) of this section, or the decedent’s body or part is not used for transplantation, therapy, research, or education, custody of the body or part passes to the person under obligation to dispose of the body or part.

(j) (1) A person may not accept an anatomical gift if the person knows that:

(i) The gift was not effectively made under § 4–503 or § 4–508 of this subtitle; or

(ii) The decedent made a refusal under § 4–505 of this subtitle that was not revoked.

(2) For purposes of this subsection, if a person knows that an anatomical gift was made on a document of gift, the person is deemed to know of any amendment or revocation of the gift or any refusal to make an anatomical gift on the same document of gift.

(k) Except as otherwise provided in subsection (a)(2) of this section, nothing in this subtitle affects the allocation of organs for transplantation or therapy.

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