

# SENATE BILL 790

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9lr2467

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By: **Senator Kagan**

Introduced and read first time: February 4, 2019

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Revised Uniform Anatomical Gift Act – Donors – Policy of the State**

3 FOR the purpose of declaring that it is the policy of the State that any donor may make an  
4 anatomical gift during the life of the donor, for certain purposes, regardless of certain  
5 characteristics of the donor; and generally relating to anatomical gifts for  
6 transplantation, therapy, research, or education.

7 BY adding to

8 Article – Estates and Trusts

9 Section 4–501.1

10 Annotated Code of Maryland

11 (2017 Replacement Volume and 2018 Supplement)

12 BY repealing and reenacting, without amendments,

13 Article – Estates and Trusts

14 Section 4–503(a)

15 Annotated Code of Maryland

16 (2017 Replacement Volume and 2018 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

18 That the Laws of Maryland read as follows:

19 **Article – Estates and Trusts**

20 **4–501.1.**

21 **IT IS THE POLICY OF THE STATE THAT ANY DONOR MAY MAKE AN ANATOMICAL**  
22 **GIFT DURING THE LIFE OF THE DONOR FOR THE PURPOSE OF TRANSPLANTATION,**  
23 **THERAPY, RESEARCH, OR EDUCATION, REGARDLESS OF:**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(1) SUBJECT TO § 4-503(A) OF THIS SUBTITLE, AGE;**

2           **(2) ETHNICITY; OR**

3           **(3) MEDICAL HISTORY.**

4 4-503.

5           (a) Subject to § 4-506 of this subtitle, an anatomical gift may be made during the  
6 life of a donor for the purpose of transplantation, therapy, research, or education by:

7           (1) (i) A donor who is an adult; or

8           (ii) A donor who is a minor, if the minor is:

9                               1. Emancipated; or

10                              2. Authorized under State law to apply for a driver's license  
11 because the donor is at least 15 years and 9 months old;

12           (2) An agent of a donor, unless a power of attorney for health care or other  
13 record prohibits the agent from making an anatomical gift;

14           (3) A parent of a donor, if the donor is an unemancipated minor; or

15           (4) A guardian of a donor.

16           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
17 October 1, 2019.