

## CHAPTER 5

## ( HB 84 )

AN ACT relating to organ donation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 311.1953 is amended to read as follows:

- (1) (a) *If a medical examiner or coroner has knowledge that a decedent whose body is under his or her jurisdiction wishes to be an organ or tissue donor, or* upon request of a procurement organization, a medical examiner or coroner shall release to the procurement organization the name, contact information, and available medical and social history of a decedent whose body is under the jurisdiction of the medical examiner or coroner.
- (b) If the *body or part of the decedent identified in paragraph (a) of this subsection*~~[decedent's body or part]~~ is medically suitable for transplantation or therapy, the medical examiner or coroner *shall*~~[may]~~ release relevant postmortem examination results to the procurement organization.
- (c) The procurement organization may make a subsequent disclosure of the postmortem examination results or other information received from the medical examiner or coroner only if relevant to transplantation or therapy.
- (2) The medical examiner or coroner may conduct a medicolegal investigation by reviewing all medical records, laboratory test results, X-rays, other diagnostic results, and other information that any person possesses about a donor or prospective donor whose body is under the jurisdiction of the medical examiner or coroner that the medical examiner or coroner determines may be relevant to the investigation.
- (3) A person that has any information requested by a medical examiner or coroner pursuant to subsection (2) of this section shall provide that information as expeditiously as possible to allow the medical examiner or coroner to conduct the medicolegal investigation within a period compatible with the preservation of parts for the purpose of transplantation or therapy.
- (4) If an anatomical gift has been or might be made of a part of a decedent whose body is under the jurisdiction of the medical examiner or coroner and a postmortem examination is not required, or the medical examiner or coroner determines that a postmortem examination is required but that the recovery of the part that is the subject of an anatomical gift will not interfere with the examination, the medical examiner or coroner and the procurement organization shall cooperate in the timely removal of the part from the decedent for the purpose of transplantation or therapy.
- (5) The medical examiner and procurement organizations shall enter into an agreement setting forth protocols and procedures to govern relations between the parties when an anatomical gift of a part from a decedent under the jurisdiction of the medical examiner has been or might be made, but the medical examiner believes that the recovery of the part could interfere with the postmortem investigation into the decedent's cause or manner of death. Decisions regarding the recovery of organs, tissue, and eyes from such a decedent shall be made in accordance with the agreement. In the event that the medical examiner or coroner denies recovery of an anatomical gift, the procurement organization may request the chief medical examiner to reconsider the denial and to permit the recovery to proceed. The parties shall evaluate the effectiveness of the protocols and procedures at regular intervals.
- (6) If the medical examiner or coroner or designee allows recovery of a part under subsection (4) or (5) of this section, the procurement organization, upon request, shall cause the physician or technician who removes the part to provide the medical examiner or coroner with a record describing the condition of the part, a biopsy, a photograph, and any other information and observations that would assist in the postmortem examination.
- (7) If the chief medical examiner or coroner determines that a medical examiner or designee is required to be present at a removal procedure under subsection (5) of this section, upon request the procurement organization requesting the recovery of the part shall reimburse the medical examiner, or coroner, or designee for the additional cost incurred in complying with subsection (5) of this section.

➔Section 2. This Act may be cited as Courtney's Law.

**Signed by Governor March 2, 2018.**

