

311.1929 Persons that may receive anatomical gift -- Purpose of anatomical gift.

- (1) An anatomical gift may be made to the following persons named in the document of gift:
 - (a) A hospital; accredited medical school, dental school, college, or university; organ procurement organization; or other appropriate person, for research or education for the advancement of donation and transplantation science;
 - (b) Subject to subsection (2) of this section, an individual designated by the person making the anatomical gift if the individual is the recipient of the part; or
 - (c) An eye bank or tissue bank.
- (2) If an anatomical gift to an individual under subsection (1)(b) of this section cannot be transplanted into the individual, the part passes in accordance with subsection (7) of this section in the absence of an express, contrary indication by the person making the anatomical gift.
- (3) If an anatomical gift of one (1) or more specific parts or of all parts is made in a document of gift that does not name a person described in subsection (1) of this section but identifies the purpose for which an anatomical gift may be used, the following rules apply:
 - (a) 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;
 - (b) If the part is tissue and the gift is for the purpose of transplantation or therapy, the gift passes to the appropriate tissue bank;
 - (c) 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
 - (d) 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.
- (4) For the purpose of subsection (3) of this section, if there is more than one (1) 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 for transplantation or therapy, if suitable. If the gift cannot be used for transplantation or therapy, the gift may be used for research or education for the advancement of donation and transplantation science.
- (5) If an anatomical gift of one (1) or more specific parts is made in a document of gift that does not name a person described in subsection (1) of this section and does not identify the purpose of the gift, the gift may be used only for transplantation, therapy, or research and education for the advancement of donation and transplantation, and the gift passes in accordance with subsection (7) of this section.
- (6) 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 may be used only for transplantation, therapy, or research and education for the advancement of donation and transplantation

science, and the gift passes in accordance with subsection (7) of this section.

- (7) For purposes of subsections (2), (5), and (6) of this section the following rules apply:
 - (a) If the part is an eye, the gift passes to the appropriate eye bank;
 - (b) If the part is tissue, the gift passes to the appropriate tissue bank, except that a tissue bank shall not receive an ovum or sperm for the purpose of creating an embryo to be used in therapy, research, or education; or
 - (c) If the part is an organ, the gift passes to the appropriate organ procurement organization as custodian of the organ.
- (8) An anatomical gift of an organ for transplantation or therapy, other than an anatomical gift under subsection (1)(b) of this section, passes to the organ procurement organization as custodian of the organ.
- (9) If an anatomical gift does not pass pursuant to subsections (1) to (8) 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.
- (10) A person may not accept an anatomical gift if the person knows that the gift was not effectively made under KRS 311.1917 or 311.1927 or if the person knows that the decedent made a refusal under KRS 311.1921 that was not revoked. For purposes of the 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.
- (11) Except as otherwise provided in subsection (1)(b) of this section, nothing in KRS 311.1911 to 311.1959 affects the allocation of organs for transplantation or therapy.

Effective: June 29, 2023

History: Amended 2023 Ky. Acts ch. 52, sec. 2, effective June 29, 2023. -- Created 2010 Ky. Acts ch. 161, sec. 10, effective July 15, 2010.