

HOUSE BILL 1916

By Hale

AN ACT to amend Tennessee Code Annotated, Title 63
and Title 68, relative to anatomical gifts.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-30-107, is amended by deleting the section and substituting:

(a) An individual may refuse to make an anatomical gift of the individual's body or part by a writing signed in the same manner as a document of gift or another writing used to identify the individual as refusing to make an anatomical gift. A terminal patient may refuse to make an anatomical gift by oral statement or other form of communication.

(b) If an individual or terminal patient has refused to make an anatomical gift of the individual or terminal patient's body or part in accordance with subsection (a), then the individual's signed writing or attestation to the terminal patient's oral statement or other form of communication bars another person from making or amending an anatomical gift of the individual or terminal patient's body or part.

(c) If a decedent refused to make an anatomical gift of the decedent's body or part in accordance with subsection (a), then a procurement organization shall not contact a person specified under § 68-30-109, and the remains of the decedent must be immediately released to the funeral home authorized by the decedent's next of kin.

(d) If a decedent did not refuse to make an anatomical gift of decedent's tissue in accordance with subsection (a), and a person specified under § 68-30-109 is not barred from making or amending an anatomical gift of a decedent's tissue pursuant to subsection (b) or another law, then a procurement organization may contact the person

specified under § 68-30-109 within six (6) hours of cessation of the decedent's heartbeat.

(e) If a procurement organization does not make initial contact with a person specified under § 68-30-109 within six (6) hours of cessation of the decedent's heartbeat pursuant to subsection (d), then the remains of the decedent must be immediately released to the funeral home authorized by the decedent's next of kin.

(f) A person or entity that reasonably believes a procurement organization, hospital, person, or another entity violated this section may file a complaint with the department of health or appropriate licensing board under title 63 or this title. If the department or licensing board finds that the procurement organization, hospital, person, or another entity violated this section, then the department or licensing board, as applicable, shall assess each party that violated this section a civil penalty of five hundred dollars (\$500).

SECTION 2. Tennessee Code Annotated, Section 68-30-109(a), is amended by deleting "subsections (b) and (c)" and substituting "subsections (b)-(d)".

SECTION 3. Tennessee Code Annotated, Section 68-30-109, is amended by adding the following as a new subsection:

(d) A person listed under subsection (a) shall not make an anatomical gift of the body or part of the decedent if the decedent refused to make an anatomical gift of the decedent's body or part and there is a signed writing or attestation to an oral statement or other form of communication by the decedent made in accordance with § 68-30-107(a).

SECTION 4. This act takes effect July 1, 2024, the public welfare requiring it.