SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2768

<u>As Amended by House Committee on</u>
<u>Judiciary</u>

Brief*

HB 2768, dealing with the removal of dead bodies, would allow the body to the taken to a federally certified organ procurement organization serving Kansas in addition to the currently listed facilities. The release of a body to be transported to an organ procurement organization could be released only in the following priority order:

- An agent of the decedent who could have made an anatomical gift immediately before the decedents death;
- The spouse of the decedent;
- Adult children of the decedent;
- Parents of the decedent;
- Adult siblings of the decedent;
- Adult grandchildren of the decedent;
- Grandparents of the decedent;
- Guardians of the decedent;
- An adult who exhibited special care and concern for the decedent and who was familiar with the decedent's personal values; and
- Any other person with the authority to dispose of the decedent's body.

When there is more than one member of the listed categories, except for the last one, and there is a known objection by another member, the gift could only be made by a majority of the members of the category. A person could not make an anatomical gift if, at the time of the decedent's death,

————————————

a person in a prior category is available to make or object to the making of an anatomical gift.

Background

Rob Linderer, Chief Executive Officer, Midwest Transplant Network, expressed support for the bill. Mack Smith, Executive Secretary, Kansas State Board of Mortuary Arts also spoke in favor of the bill.

There was no opposition to the bill.

The House Committee amended the bill by inserting the provision on the priority of persons who could make anatomical gifts.

The fiscal note indicates no fiscal effect.