

INITIATIVE 837

I, Sam Reed, Secretary of State of the State of Washington and custodian of its seal, hereby certify that, according to the records on file in my office, the attached copy of Initiative Measure No. 837 to the People is a true and correct copy as it was received by this office.

1 AN ACT Relating to the availability of organ donations for all
2 citizens of Washington state now and in the future; amending RCW
3 68.50.540; and creating new sections.

4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** SHORT TITLE. This act shall be known and
6 cited as the Family Compassion act.

7 NEW SECTION. **Sec. 2.** PURPOSE. The purpose of this act is to:

8 (1) Remove the burden from family members when making donation
9 decisions. Family members would only need to opt out instead of
10 deciding to donate.

11 (2) Increase the availability of organ donations for all Washington
12 citizens, now and in the future.

13 (3) Reduce the number of deaths caused by an insufficient donor
14 supply.

15 **Sec. 3.** RCW 68.50.540 and 1995 c 132 s 1 are each amended to read
16 as follows:

1 (1)(a) An individual who is at least eighteen years of age, or an
2 individual who is at least sixteen years of age as provided in
3 subsection (12) of this section, may (~~(a)~~) (i) make an anatomical
4 gift for any of the purposes stated in RCW 68.50.570(1), (~~(b)~~) (ii)
5 limit an anatomical gift to one or more of those purposes, or (~~(c)~~)
6 (iii) refuse to make an anatomical gift.

7 (b) If an anatomical gift has not been specifically made or denied,
8 or a family member has not decided to opt out, when available, the gift
9 shall be presumed and made available to the next suitable donee. A
10 suitable donee is to be determined by current practices.

11 (2) An anatomical gift may be made by a document of gift signed by
12 the donor. If the donor cannot sign, the document of gift must be
13 signed by another individual and by two witnesses, all of whom have
14 signed at the direction and in the presence of the donor and of each
15 other and state that it has been so signed.

16 (3) If a document of gift is attached to or imprinted on a donor's
17 motor vehicle operator's license, the document of gift must comply with
18 subsection (2) of this section. Revocation, suspension, expiration, or
19 cancellation of the license does not invalidate the anatomical gift.

20 (4) The donee or other person authorized to accept the anatomical
21 gift may employ or authorize a physician, surgeon, technician, or
22 enucleator to carry out the appropriate procedures.

23 (5) An anatomical gift by will takes effect upon death of the
24 testator, whether or not the will is probated. If, after death, the
25 will is declared invalid for testamentary purposes, the validity of the
26 anatomical gift is unaffected.

27 (6) A donor may amend or revoke an anatomical gift, not made by
28 will, by:

29 (a) A signed statement;

30 (b) An oral statement made in the presence of two individuals;

31 (c) Any form of communication during a terminal illness or injury;

32 or

33 (d) The delivery of a signed statement to a specified donee to whom
34 a document of gift had been delivered.

35 (7) The donor of an anatomical gift made by will may amend or
36 revoke the gift in the manner provided for amendment or revocation of
37 wills, or as provided in subsection (6) of this section.

1 (8) An anatomical gift that is not revoked by the donor before
2 death is irrevocable and does not require the consent or concurrence of
3 a person after the donor's death.

4 (9) An individual may refuse to make an anatomical gift of the
5 individual's body or part by (a) a writing signed in the same manner as
6 a document of gift, (b) a statement attached to or imprinted on a
7 donor's motor vehicle operator's license, or (c) another writing used
8 to identify the individual as refusing to make an anatomical gift.
9 During a terminal illness or injury, the refusal may be an oral
10 statement or other form of communication.

11 (10) In the absence of contrary indications by the donor, an
12 anatomical gift of a part is neither a refusal to give other parts nor
13 a limitation on an anatomical gift under RCW 68.50.550.

14 (11) In the absence of contrary indications by the donor, a
15 revocation or amendment of an anatomical gift is not a refusal to make
16 another anatomical gift. If the donor intends a revocation to be a
17 refusal to make an anatomical gift, the donor shall make the refusal
18 pursuant to subsection (9) of this section.

19 (12) An individual who is under the age of eighteen, but is at
20 least sixteen years of age, may make an anatomical gift as provided by
21 subsection (2) of this section, if the document of gift is also signed
22 by either parent or a guardian of the donor. A document of gift signed
23 by a donor under the age of eighteen that is not signed by either
24 parent or a guardian shall not be considered valid until the person
25 reaches the age of eighteen, but may be considered as evidence that the
26 donor has not refused permission to make an anatomical gift under the
27 provisions of RCW 68.50.550.

28 NEW SECTION. **Sec. 4.** CAPTIONS NOT LAW. Captions used in this act
29 do not constitute any part of the law.

30 NEW SECTION. **Sec. 5.** CONSTRUCTION CLAUSE. The provisions of this
31 act are to be liberally construed to effectuate the intent, policies,
32 and purposes of this act.

33 NEW SECTION. **Sec. 6.** SEVERABILITY CLAUSE. If any provision of
34 this act or its application to any person or circumstance is held

1 invalid, the remainder of the act or the application of the provision
2 to other persons or circumstances is not affected.

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