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Torts; Uniform Brain Death Act

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18. 1969 Nev. Stats. ch. 211 §1, at 286.
19. See 6 Am. Jur. 2d, Attachment and Garnishment §135 (1963).
20. Ch. 305 §2 (amending NRS 41.100(1)).
21. 1969 Nev. Stats. ch. 211 §1, at 285 (NRS 41.100).
22. 93 Nev. 204, 207, 562 P.2d 487, 488 (1977).
23. Ch. 305 §2 (amending NRS 41.100(2)). See also NRS 42.010.
24. Ch. 305 §2 (amending NRS 41.100(2)).
25. 1969 Nev. Stats. ch. 211 §1, at 286.
26. Ch. 305 §1 ¶3 (adding to NRS Ch. 41).
27. Id. §3 (amending NRS 698.180).
28. See generally, NRS Chapter 698.

TORTS; UNIFORM BRAIN DEATH ACT

Adds to NRS Chapter 451

SB 5 (Close and Wilson); STATS 1979, Ch 162

Chapter 162 provides for the adoption of the Uniform Brain Death Act.¹ Although Nevada is the first state to enact the Uniform Brain Death Act, several other states have enacted brain death legislation.²

Chapter 162 provides that for both legal and medical purposes, a person sustaining irreversible cessation of all brain function, including the brain stem, is dead.³ This determination will be made in accordance with reasonable medical standards.⁴ Apparently, the local standard of reasonableness will apply.⁵

Historically, death was defined as the cessation of heart and lung function.⁶ Due to advances in medicine and problems in the criminal law,⁷ another definition was needed. The Uniform Brain Death Act is designed to supply this definition.⁸ Using brain death as the definition may permit more organs to become available for transplant. For example, where a patient's brain function has ceased, but the heart and lungs have been kept functioning thus preserving other organs, termination of a life support system upon removal of organs for transplant will no longer be the "cause" of death.⁹ Similarly, where one injures another person so severely that brain activity ceases, but the injured person is attached to a life support system, the person causing the original injury has caused death and cannot escape liability by arguing that death was caused by the termination of the life support system.¹⁰

FOOTNOTES

1. 1979 Nev. Stats. ch. 162 (hereinafter "Ch. 162") §1 ¶ 2 (adding to NRS Ch. 451).
2. L.A. Daily Journal, June 20, 1979, at 1, col. 3 (states with some brain death legislation include California, Idaho, Illinois, New Mexico, and Oregon).
3. Ch. 162 §1 ¶1 (adding to NRS Ch. 451).
4. Id.
5. See Foreman v. Ver Brugghen, 81 Nev. 86, 87, 398 P.2d 993, 994 (1965); Lockhart v. Maclean, 77 Nev. 210, 215-16, 361 P.2d 670, 673 (1961) (locality rule used to determine standard of reasonable medical care).
6. Thomas v. Anderson, 96 Cal.App.2d 371, 376, 215 P.2d 478, 481-82 (1950) (death occurs when heart stops beating and respiration ends).
7. See L.A. Daily Journal, June 20, 1979, at 1, col. 3 See also Cuthrie, Brain Death and Criminal Liability, 15 CRIM. L.BULL. 40 (Jan-Feb. 1979) (background on medical advances and problems regarding criminal law).
8. See L.A. Daily Journal, June 20, 1979, at 1, col. 3 (problems arise when removal of life support system is seen as the cause of death). See Generally Cuthrie, Brain Death and Criminal Liability, supra, note 7.
9. Id.
10. Id.

WORKER'S COMPENSATION; SELF-INSURANCE, HEARINGS AND COMPENSATION

Adds to NRS Chapters 616, 617, 232

Amends NRS 232.213, 232.215, 443.165, 616.135, 616.185, 616.218, 616.220, 616.222, 616.226, 616.230, 616.235, 616.240, 616.245, 616.2533, 616.305, 616.320, 616.342, 616.380, 616.390, 616.395, 616.400, 616.405, 616.427, 616.490, 616.500, 616.505, 616.530, 616.535, 616.542, 616.550, 616.560, 616.565, 616.583, 616.605, 616.615, 617.310, 617.330, 617.350, 617.360, 617.390, 617.410, 617.430, 617.460