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Health and Welfare; anatomical gifts

The University of the Pacific, McGeorge School of Law

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Health and Welfare

Health and Welfare; anatomical gifts

NEV. REV. STAT. §§ 451.515, 451.565, 451.575 (repealed); § 451 (new); 451.010, 451.500, 451.505, 451.510, 451.520, 451.525, 451.530, 451.535, 451.545, 451.550, 451.555, 451.560, 451.570, 451.577, 451.580, 451.585, 483.340, 483.840 (amended).
AB 226 (Sader); 1989 STAT. Ch. 200

Existing law governs the giving and accepting of anatomical gifts.¹ Chapter 200 changes the classes of persons who may make an anatomical gift of a decedent's² body.³ Chapter 200 also specifies when an anatomical gift may not be made by a person in the classes listed, how such a person must make a gift, and when the gift can be revoked.⁴

Prior law provided that an anatomical gift could be made by a document.⁵ Chapter 200 requires that a donor⁶ can make an anatomical gift only by a document of gift⁷ signed by the donor or by will.⁸

1. NEV. REV. STAT. §§ 451.500-585 (1987) (Uniform Anatomical Gift Act). Nevada Revised Statutes Chapter 451 was enacted in 1969, based substantially on the Uniform Anatomical Gift Act as promulgated by the National Conference of Commissioners on Uniform State Laws. See HANDBOOK OF THE NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS AND PROCEEDINGS 185-93 (1968).

2. See NEV. REV. STAT. § 451.520 (amended by 1989 Nev. Stat. ch. 200, sec. 16, at 433) (definition of decedent).

3. 1989 Nev. Stat. ch. 200, sec. 6, at 431 (enacting NEV. REV. STAT. § 451.____). Chapter 200 also changes the order of priority of the classes allowed to make the gift. *Id.*

4. *Id.*

5. 1987 Nev. Stat. ch. 451, sec. 565, at 9961 (repealed by 1989 Nev. Stat. ch. 200, sec. 30, at 438).

6. See 1989 Nev. Stat. ch. 200, sec. 17, at 431 (amending NEV. REV. STAT. § 451.525) (definition of a donor).

7. See *id.* sec. 3, at 431 (enacting NEV. REV. STAT. § 451.____) (definition of document of gift).

8. *Id.* sec. 22, at 434 (enacting NEV. REV. STAT. § 451.____) The document of gift may be attached or imprinted on the donor's motor vehicle operator's license and is not invalidated by the revocation, suspension, expiration, or cancellation of the license. *Id.* A gift made by will is effective at the testator's death and need not wait until the will is probated. *Id.* An invalid will does not invalidate an anatomical gift. *Id.*

Chapter 200 also specifies how a donor may amend or revoke a gift not made by will,⁹ as well as how a person may refuse to make an anatomical gift of any body part.¹⁰

Chapter 200 also requires specified persons, or a hospital, to make a reasonable search, when a person is believed to be dead or near death, either for a document of gift or evidence of refusal to make an anatomical gift.¹¹ A person failing to make such a search is not criminally or civilly liable, but subject only to administrative sanctions.¹² Finally, Chapter 200 shall be construed and interpreted to carry out its general purpose to make uniform the law with regard to anatomical gifts among the states enacting the Uniform Anatomical Gift Act.¹³

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9. *Id.* A gift made by will may be amended or revoked as provided in Chapter 133 of Nevada Revised Statutes. *Id.*

10. *Id.*

11. *Id.* sec. 25, at 436 (enacting NEV. REV. STAT. § 451.____).

12. *Id.*

13. *Id.* sec. 14, at 433 (amending NEV. REV. STAT. § 451.505).

Health and Welfare; asbestos control licensing and regulations

NEV. REV. STAT. §§ 618.____, 338.____ (new).

AB 40 (Kerns); 1989 STAT. Ch. 598*

Under existing law, Nevada adopts all Federal Occupational and Health Administration (OSHA) standards enacted by the Secretary of Labor.¹ These Federal OSHA standards emphasize worker protection² by, among other things, requiring employers to maintain training programs for all employees endangered by asbestos.³

* Nevada Revised Statutes sections 618.____ (enacted by 1989 Nev. Stat. ch. 598, secs. 1-4, 5, 6-12, 14-20 at ____) and section 338.____ (enacted by Nev. Stat. ch. 598, sec. 22, at ____) became effective June 28, 1989, which Nevada Revised Statutes sections 618.____ (enacted by Nev. Stat. ch. 598, secs. 5, 13, 21 at ____) will become effective January 1, 1990. 1989 Nev. Stat. ch. 598, sec. 23 at ____.

1. NEV. REV. STAT. § 618.295 8 (1987).

2. See OSHA Revised Asbestos Construction Standards, 29 C.F.R. § 1926.58 (1988) (measurement and control of asbestos exposure is limited to the workplace).

3. *Id.* § 1926.58(k)(3) (1988) (requiring a training program for construction workers involved in (1) construction or demolition of structures containing asbestos, or (2) removal or