

SENATE BILL NO. 134—SENATOR OHRENSCHALL (BY REQUEST)

FEBRUARY 18, 2021

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Referred to Committee on Growth and Infrastructure

SUMMARY—Revises provisions regarding anatomical gifts.  
(BDR 43-88)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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AN ACT relating to anatomical gifts; revising provisions governing the indication of a person's intent on a driver's license or identification card; amending provisions relating to how a person may make or refuse to make an anatomical gift; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law adopts the Revised Uniform Anatomical Gift Act. (NRS 451.500-451.598) Under existing law, a natural person may become a donor of all or part of his or her body or make an anatomical gift by affirmatively indicating that he or she wishes to become a donor or make an anatomical gift in various ways, including, without limitation, by indicating on his or her driver's license or identification card that he or she wishes to become a donor or make an anatomical gift. (NRS 451.558) Existing law provides various ways in which a natural person may affirmatively refuse to make an anatomical gift. (NRS 451.561)

Existing law requires the Department of Motor Vehicles, at the time of the issuance or renewal of a driver's license, to give the holder of the license the opportunity to have indicated on the license that the holder wishes to be a donor of all or part of his or her body or refuse to make an anatomical gift. (NRS 483.340) Existing law imposes similar requirements when the Department issues or renews an identification card. (NRS 483.840)

This bill changes the existing system for anatomical gifts, in which a person must opt in to be a donor, to a system in which a person is a donor unless the person opts out of donation. Specifically, **section 1** of this bill requires the Department to give the holder of a license the opportunity to refuse to have indicated on the license that the holder wishes to become a donor or make an anatomical gift. **Section 2** of this bill imposes a similar requirement for the issuance or renewal of an identification card. **Section 3** of this bill provides that a donor may make an anatomical gift by not refusing to indicate on his or her driver's license or identification card that he or she has made an anatomical gift. **Section 4** of this bill provides that a natural person may refuse to make an anatomical gift by refusing to



25 authorize a statement or symbol on his or her driver's license or identification card  
26 indicating that he or she has made an anatomical gift.

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     **Section 1.** NRS 483.340 is hereby amended to read as follows:

2     483.340 1. The Department shall, upon payment of the  
3 required fee, issue to every qualified applicant a driver's license  
4 indicating the type or class of vehicles the licensee may drive.

5     2. The Department shall adopt regulations prescribing the  
6 information that must be contained on a driver's license.

7     3. The Department may issue a driver's license for purposes of  
8 identification only for use by officers of local police and sheriffs'  
9 departments, agents of the Investigation Division of the Department  
10 of Public Safety while engaged in special undercover investigations  
11 relating to narcotics or prostitution or for other undercover  
12 investigations requiring the establishment of a fictitious identity,  
13 federal agents while engaged in undercover investigations,  
14 investigators employed by the Attorney General while engaged in  
15 undercover investigations, criminal investigators employed by the  
16 Secretary of State while engaged in undercover investigations and  
17 agents of the Nevada Gaming Control Board while engaged in  
18 investigations pursuant to NRS 463.140. An application for such a  
19 license must be made through the head of the police or sheriff's  
20 department, the Chief of the Investigation Division of the  
21 Department of Public Safety, the director of the appropriate federal  
22 agency, the Attorney General, the Secretary of State or his or her  
23 designee or the Chair of the Nevada Gaming Control Board. Such a  
24 license is exempt from the fees required by NRS 483.410. The  
25 Department, by regulation, shall provide for the cancellation of any  
26 such driver's license upon the completion of the special  
27 investigation for which it was issued.

28     4. Except as otherwise provided in NRS 239.0115, information  
29 pertaining to the issuance of a driver's license pursuant to  
30 subsection 3 is confidential.

31     5. It is unlawful for any person to use a driver's license issued  
32 pursuant to subsection 3 for any purpose other than the special  
33 investigation for which it was issued.

34     6. At the time of the issuance or renewal of the driver's license,  
35 the Department shall:

36     (a) Give the holder the opportunity to *refuse to* have indicated  
37 on his or her driver's license that the holder wishes to be a donor *or*  
38 *make an anatomical gift* of all or part of his or her body pursuant to



1 NRS 451.500 to 451.598, inclusive . ~~[, or to refuse to make an~~  
2 ~~anatomical gift of his or her body or part thereof.]~~

3 (b) Give the holder the opportunity to have indicated whether he  
4 or she wishes to donate \$1 or more to the Anatomical Gift Account  
5 created by NRS 460.150.

6 (c) Provide to each holder who is interested in becoming a donor  
7 information relating to anatomical gifts, including the procedure for  
8 registering as a donor with the donor registry with which the  
9 Department has entered into a contract pursuant to this paragraph.  
10 To carry out this paragraph, the Department shall, on such terms as  
11 it deems appropriate, enter into a contract with a donor registry that  
12 is in compliance with the provisions of NRS 451.500 to 451.598,  
13 inclusive.

14 (d) If the Department has established a program for imprinting a  
15 symbol or other indicator of a medical condition on a driver's  
16 license pursuant to NRS 483.3485, give the holder the opportunity  
17 to have a symbol or other indicator of a medical condition imprinted  
18 on his or her driver's license.

19 (e) Provide to the holder information instructing the holder how  
20 to register with the Next-of-Kin Registry pursuant to NRS 483.653  
21 if he or she so chooses.

22 7. If the holder wishes to make a donation to the Anatomical  
23 Gift Account, the Department shall collect the donation and deposit  
24 the money collected in the State Treasury for credit to the  
25 Anatomical Gift Account.

26 8. The Department shall submit to the donor registry with  
27 which the Department has entered into a contract pursuant to  
28 paragraph (c) of subsection 6 information from the records of the  
29 Department relating to persons who have drivers' licenses that  
30 indicate the intention of those persons to make an anatomical gift.  
31 The Department shall adopt regulations to carry out the provisions  
32 of this subsection.

33 **Sec. 2.** NRS 483.840 is hereby amended to read as follows:

34 483.840 1. The form of the identification cards must be  
35 similar to that of drivers' licenses but distinguishable in color or  
36 otherwise.

37 2. Identification cards do not authorize the operation of any  
38 motor vehicles.

39 3. The Department shall adopt regulations prescribing the  
40 information that must be contained on an identification card.

41 4. At the time of the issuance or renewal of the identification  
42 card, the Department shall:

43 (a) Give the holder the opportunity to *refuse to* have indicated  
44 on his or her identification card that the holder wishes to be a donor  
45 *or make an anatomical gift* of all or part of his or her body pursuant



1 to NRS 451.500 to 451.598, inclusive . ~~[, or to refuse to make an~~  
2 ~~anatomical gift of his or her body or part thereof.]~~

3 (b) Give the holder the opportunity to indicate whether he or she  
4 wishes to donate \$1 or more to the Anatomical Gift Account created  
5 by NRS 460.150.

6 (c) Provide to each holder who is interested in becoming a donor  
7 information relating to anatomical gifts, including the procedure for  
8 registering as a donor with the donor registry with which the  
9 Department has entered into a contract pursuant to this paragraph.  
10 To carry out this paragraph, the Department shall, on such terms as  
11 it deems appropriate, enter into a contract with a donor registry that  
12 is in compliance with the provisions of NRS 451.500 to 451.598,  
13 inclusive.

14 (d) If the Department has established a program for imprinting a  
15 symbol or other indicator of a medical condition on an identification  
16 card pursuant to NRS 483.863, give the holder the opportunity to  
17 have a symbol or other indicator of a medical condition imprinted  
18 on his or her identification card.

19 (e) Provide to the holder information instructing the holder how  
20 to register with the Next-of-Kin Registry pursuant to NRS 483.653  
21 if he or she so chooses.

22 5. If the holder wishes to make a donation to the Anatomical  
23 Gift Account, the Department shall collect the donation and deposit  
24 the money collected in the State Treasury for credit to the  
25 Anatomical Gift Account.

26 6. The Department shall submit to the donor registry with  
27 which the Department has entered into a contract pursuant to  
28 paragraph (c) of subsection 4 information from the records of the  
29 Department relating to persons who have identification cards issued  
30 by the Department that indicate the intention of those persons to  
31 make an anatomical gift. The Department shall adopt regulations to  
32 carry out the provisions of this subsection.

33 **Sec. 3.** NRS 451.558 is hereby amended to read as follows:

34 451.558 1. A donor may make an anatomical gift:

35 (a) By ~~[authorizing]~~ *not refusing to authorize* a statement or  
36 symbol indicating that the donor has made an anatomical gift to be  
37 imprinted on the donor's driver's license or identification card ~~[;]~~  
38 *pursuant to NRS 483.340 or 483.840, as applicable;*

39 (b) In a will;

40 (c) During a terminal illness or injury of the donor, by any form  
41 of communication addressed to at least two adults, at least one of  
42 whom is a disinterested witness; or

43 (d) As provided in subsection 2.

44 2. A donor or other person authorized to make an anatomical  
45 gift under NRS 451.556 may make a gift by a donor card or other



record signed by the donor or other person making the gift or by authorizing that a statement or symbol indicating that the donor has made an anatomical gift be included on a donor registry. If the donor or other person is physically unable to sign a record, the record may be signed by another natural person at the direction of the donor or other person and must:

(a) Be witnessed by at least two adults, at least one of whom is a disinterested witness, who have signed at the request of the donor or the other person; and

(b) State that it has been signed and witnessed as provided in paragraph (a).

3. An anatomical gift made in the manner described in paragraph (a) of subsection 1 by a donor who is at least 16 years of age but less than 18 years of age is valid and may not be revoked by a parent or guardian if the donor and his or her parent or guardian sign a form prescribed by the Department of Motor Vehicles which indicates that unless the anatomical gift is amended or revoked by the donor before his or her death, the anatomical gift may not be amended or revoked by the parent or guardian of the donor.

4. Revocation, suspension, expiration or cancellation of a driver's license or identification card upon which an anatomical gift is indicated does not invalidate the gift.

5. An anatomical gift made by will takes effect upon the donor's death whether or not the will is probated. Invalidation of the will after the donor's death does not invalidate the gift.

**Sec. 4.** NRS 451.561 is hereby amended to read as follows:

451.561 1. A natural person may refuse to make an anatomical gift of his or her body or part by:

(a) A record signed by:

(1) Him or her; or

(2) Subject to subsection 2, another natural person acting at his or her direction if he or she is physically unable to sign;

(b) The natural person's will, whether or not the will is admitted to probate or invalidated after his or her death; ~~for~~

(c) Any form of communication made by the natural person during his or her terminal illness or injury addressed to at least two adults, at least one of whom is a disinterested witness ~~for~~; or

*(d) Refusing to authorize a statement or symbol indicating that the person has made an anatomical gift to be imprinted on the person's driver's license or identification card pursuant to NRS 483.340 or 483.840, as applicable.*

2. A record signed pursuant to subparagraph (2) of paragraph (a) of subsection 1 must:



1 (a) Be witnessed by at least two adults, at least one of whom is a  
2 disinterested witness, who have signed at the request of the natural  
3 person; and

4 (b) State that it has been signed and witnessed as provided in  
5 paragraph (a).

6 3. A natural person who has made a refusal may amend or  
7 revoke the refusal:

8 (a) In the manner provided in subsection 1 for making a refusal;

9 (b) By subsequently making an anatomical gift pursuant to NRS  
10 451.558 that is inconsistent with the refusal; or

11 (c) By destroying or cancelling the record evidencing the  
12 refusal, or the portion of the record used to make the refusal, with  
13 the intent to revoke the refusal.

14 4. Except as otherwise provided in subsection 8 of NRS  
15 451.562, in the absence of an express, contrary indication by the  
16 natural person set forth in the refusal, a natural person's unrevoked  
17 refusal to make an anatomical gift of his or her body or part bars all  
18 other persons from making an anatomical gift of the natural person's  
19 body or part.

20 **Sec. 5.** This act becomes effective on January 1, 2022.

