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ASSEMBLY BILL NO. 424—ASSEMBLYMAN SPRINKLE

MARCH 27, 2017

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Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing the determination of death. (BDR 40-1025)

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

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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 the determination of death; revising provisions relating to the determination of brain death; revising provisions relating to the use of life-sustaining treatment on a person determined to be brain dead under certain circumstances; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law provides that a person is dead if it is determined that the person  
2 has either sustained irreversible cessation of: (1) circulatory and respiratory  
3 functions; or (2) all brain function, including the function of his or her brain stem.  
4 Existing law further provides that such a determination must be made in accordance  
5 with accepted medical standards. (NRS 451.007) **Section 2** of this bill requires that  
6 a determination of brain death be made in accordance with “Evidence-based  
7 Guideline Update: Determining Brain Death in Adults: Report of the Quality  
8 Standards Subcommittee of the American Academy of Neurology,” published by  
9 the American Academy of Neurology on June 8, 2010. **Section 1** of this bill  
10 provides that consent from the person’s authorized representative or authorized  
11 family member is not required to make a determination of brain death. **Section 1**  
12 also requires that, under certain circumstances, life-sustaining treatment be  
13 withdrawn from a person determined to be brain dead within 24 hours after such  
14 determination. However, **section 1** provides an exception from the required  
15 withdrawal of life-sustaining treatment from a person determined to be brain dead  
16 if that person: (1) is pregnant and it is probable that the pregnancy will result in a  
17 live birth with continued use of life-sustaining treatment; or (2) is an organ donor.

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

1       **Section 1.** Chapter 451 of NRS is hereby amended by adding  
2 thereto a new section to read as follows:

3       1. *A determination of the death of a person made pursuant to*  
4 *paragraph (b) of subsection 1 of NRS 451.007 is a clinical*  
5 *decision that does not require the consent of the person's*  
6 *authorized representative or the family member with the authority*  
7 *to consent or withhold consent. Except as otherwise provided in*  
8 *subsection 2, if a person is receiving life-sustaining treatment at*  
9 *the time of the death of the person, such life-sustaining treatment*  
10 *must be withdrawn by the attending physician within 24 hours*  
11 *after such determination of death being made.*

12       2. *Life-sustaining treatment must not be withheld or*  
13 *withdrawn from a person determined to be dead pursuant to*  
14 *paragraph (b) of subsection 1 of NRS 451.007 who is known to the*  
15 *attending physician to be:*

16       (a) *Pregnant, so long as it is probable that the fetus will*  
17 *develop to the point of live birth with continued application of life-*  
18 *sustaining treatment; or*

19       (b) *A donor of an anatomical gift, for the amount of time*  
20 *necessary to successfully recover the anatomical gift.*

21       3. *As used in this section:*

22       (a) *"Anatomical gift" has the meaning ascribed to it in*  
23 *NRS 451.513.*

24       (b) *"Life-sustaining treatment" has the meaning ascribed to it*  
25 *in NRS 449.570.*

26       **Sec. 2.** NRS 451.007 is hereby amended to read as follows:

27       451.007 1. For legal and medical purposes, a person is dead  
28 if the person has sustained an irreversible cessation of:

29       (a) Circulatory and respiratory functions; or

30       (b) All functions of the person's entire brain, including his or  
31 her brain stem.

32       2. A determination of death made under ~~[this section]~~ :

33       (a) *Paragraph (a) of subsection 1* must be made in accordance  
34 with accepted medical standards.

35       ~~[3. This section may be cited as the Uniform Determination of~~  
36 ~~Death Act and]~~

37       (b) *Paragraph (b) of subsection 1* must be ~~applied and~~  
38 ~~construed to carry out its general purpose which is to make uniform~~  
39 ~~among the states which enact it the law regarding the determination~~  
40 ~~of death.]~~ *made in accordance with the guidelines set forth in*  
41 *"Evidence-based Guideline Update: Determining Brain Death in*  
42 *Adults: Report of the Quality Standards Subcommittee of the*



- 1 *American Academy of Neurology,” published June 8, 2010, by the*
- 2 *American Academy of Neurology.*

