

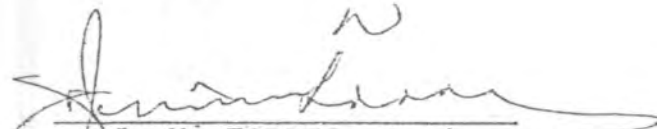
CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 45, "An Act adding Chapter IV to Title XLVII of the Government Code of Guam to authorize the gift of all or part of a human body after death for specified purposes, and to make uniform the laws with reference thereto", was on the 30th day of March, 1973, duly and regularly passed.




F. T. RAMIREZ  
Speaker

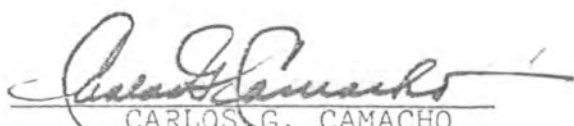
ATTESTED:

  
J. U. TORRES, Acting  
Legislative Secretary

-----  
This Act was received by the Governor this 10<sup>th</sup> day  
of April, 1973 at 10:30 o'clock a. M.

  
KEITH L. ANDREWS  
Attorney General of Guam

APPROVED:

  
CARLOS G. CAMACHO  
Governor of Guam

DATED: 4-19-73  
1:40 PM

Public Law  
12-16



APR 21 1986

TWELFTH GUAM LEGISLATURE  
1973 (FIRST) Regular Session

Bill No. 45

Introduced by G. M. Bamba

AN ACT ADDING CHAPTER IV TO TITLE XLVII  
OF THE GOVERNMENT CODE OF GUAM TO AUTHORIZE  
THE GIFT OF ALL OR PART OF A HUMAN BODY  
AFTER DEATH FOR SPECIFIED PURPOSES, AND TO  
MAKE UNIFORM THE LAWS WITH REFERENCE THERETO.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

2 Section 1. Chapter IV is hereby added to Title XLVII of  
3 the Government Code of Guam to read as follows:

4 "CHAPTER IV

5 Guam Uniform Anatomical Gift Act

6 Section 49240. Definitions. (a) 'Bank or storage  
7 facility' means a facility licensed, accredited, or  
8 approved under the laws of Guam for storage of human  
9 bodies or parts thereof.

10 (b) 'Decedent' means a deceased individual and  
11 includes a stillborn infant or fetus.

12 (c) 'Donor' means an individual who makes a gift of  
13 all or part of his body.

14 (d) 'Hospital' means a hospital licensed, accredited,  
15 or approved under the laws of any state or territory of  
16 the United States, including a hospital operated by the  
17 United States Government or the territory of Guam or any  
18 state or territory of the United States, although not  
19 required to be licensed under the laws of the territory  
20 or state.

21 (e) 'Part' means organs, tissues, eyes, bones,  
22 arteries, blood, other fluids and any other portions  
23 of a human body.

24 (f) 'Person' means an individual, corporation,  
25 government or governmental subdivision or agency, business,

1 trust, estate, trust, partnership or association, or any  
2 other legal entity.

3 (g) 'Physician' or 'surgeon' means a physician or  
4 surgeon licensed or authorized to practice under the laws  
5 of Guam.

6 Section 49241. Persons who may execute an anatomical  
7 gift. (a) Any individual of sound mind and eighteen (18)  
8 years of age or more may give all or any part of his body  
9 for any purpose specified in Section 49242, the gift to  
10 take effect upon death.

11 (b) Any of the following persons, in order of  
12 priority stated, when persons in prior classes are not  
13 available at the time of death, and in the absence of  
14 actual notice of contrary indications by the decedent  
15 or actual notice of opposition by the member of the same  
16 or a prior class, may give all or any part of the decedent's  
17 body for any purpose specified in Section 49242:

18 (1) The spouse;

19 (2) An adult son or daughter;

20 (3) Either parent;

21 (4) An adult brother or sister;

22 (5) A guardian of the person of the decedent

23 at the time of his death; and

24 (6) Any other person authorized or under  
25 obligation to dispose of the body.

26 (c) If the donee has actual notice of contrary  
27 indications by the decedent or that a gift by a member  
28 of a class is opposed by a member of the same or a  
29 prior class, the donee shall not accept the gift. The  
30 persons authorized by Subsection (b) may make the gift  
31 after or immediately before death.

1 (d) A gift of all or part of a body authorizes any  
2 examination necessary to assure medical acceptability of  
3 the gift for the purposes intended.

4 (e) The rights of the donee created by the gift  
5 are paramount to the rights of others except as provided  
6 for by Section 49246(d).

7 Section 49242. Persons who may become donees;  
8 purpose for which anatomical gifts may be made. The  
9 following persons may become donees of gifts of bodies or  
10 parts thereof for the purposes stated:

11 (a) Any hospital, surgeon, or physician, for medical  
12 or dental education, research, advancement of medical  
13 or dental science, therapy, or transplantation; or

14 (b) Any accredited medical or dental school, college  
15 or university for education, research, advancement of  
16 medical or dental science, or therapy; or

17 (c) Any bank or storage facility, for medical or  
18 dental education, research, advancement of medical or  
19 dental science, therapy, or transplantation; or

20 (d) Any specified individual for therapy or trans-  
21 plantation needed by him.

22 Section 49243. Manner of executing anatomical gifts.

23 (a) A gift of all or part of the body under Section 49241(a)  
24 may be made by will. The gift becomes effective upon the  
25 death of the testator without waiting for probate. If  
26 the will is not probated, or if it is declared invalid  
27 for testamentary purposes, the gift, to the extent that  
28 it has been acted upon in good faith, is nevertheless  
29 valid and effective.

30 (b) A gift of all or part of the body under Section  
31 49241(a) may also be made by document other than a will.

1 The gift becomes effective upon the death of the donor.  
2 The document, which may be a card designed to be carried  
3 on the person, must be signed by the donor in the presence  
4 of two (2) witnesses who must sign the document in his  
5 presence. If the donor cannot sign, the document may be  
6 signed for him at his direction and in his presence in  
7 the presence of two (2) witnesses who must sign the  
8 document in his presence. Delivery of the document of  
9 gift during the donor's lifetime is not necessary to  
10 make the gift valid.

11 (c) The gift may be made to a specified donee or  
12 without specifying a donee. If the latter, the gift may  
13 be accepted by the attending physician as donee upon or  
14 following death. If the gift is made to a specified donee  
15 who is not available at the time and place of death, the  
16 attending physician upon or following death, in the  
17 absence of any expressed indication that the donor desired  
18 otherwise, may accept the gift as donee. The physician  
19 who becomes a donee under this subsection shall not  
20 participate in the procedures for removing or trans-  
21 planting a part.

22 (d) Notwithstanding Section 49246(b), the donor may  
23 designate in his will, card, or other document of gift the  
24 surgeon or physician to carry out the appropriate  
25 procedures. In the absence of a designation or if the  
26 designee is not available, the donee or other person  
27 authorized to accept the gift may employ or authorize  
28 any surgeon or physician for this purpose.

29 (e) Any gift by a person designated in Section 49241(b)  
30 shall be made by a document signed by him or made by his  
31 telegraphic, recorded telephonic, or other recorded message.



1 Section 49244. Delivery of document of gift. If the  
2 gift is made by the donor to a specified donee, the will,  
3 card, or other document, or an executed copy thereof, may  
4 be delivered to the donee to expedite the appropriate  
5 procedures immediately after death. Delivery is not  
6 necessary to the validity of the gift. The will, card,  
7 or other document, or an executed copy thereof, may be  
8 deposited in any hospital, bank or storage facility,  
9 or registry office that accepts it for safekeeping or for  
10 facilitation of procedures after death. On request of any  
11 interested party upon or after the donor's death the  
12 person in possession shall produce the document for  
13 examination.

14 Section 49245. Amendment or revocation of the gift.

15 (a) If the will, card, or other document or executed  
16 copy thereof has been delivered to a specified donee,  
17 the donee may amend or revoke the gift by:

18 (1) The execution and delivery to the donee of  
19 a signed statement; or

20 (2) An oral statement made in the presence of  
21 two (2) persons and communicated to the donee; or

22 (3) A statement during a terminal illness or  
23 injury addressed to an attending physician and  
24 communicated to the donee; or

25 (4) A signed card or document found on his  
26 person or in his effects.

27 (b) Any document of gift which has not been  
28 delivered to the donee may be revoked by the donor in  
29 the manner set out in Subsection (a) or by destruction,  
30 cancellation, or mutilation of the document and all  
31 executed copies thereof.

1 (c) Any gift made by a will may also be amended or  
2 revoked in the manner provided for amendment or revocation  
3 of wills or as provided in Subsection (a).

4 Section 49246. Rights and duties at death. (a) The  
5 donee may accept or reject the gift. If the donee accepts  
6 a gift of the entire body, he may, subject to the terms  
7 of the gift, authorize embalming and the use of the body  
8 in funeral services. If the gift is of a part of the body,  
9 the donee, upon the death of the donor and prior to  
10 embalming, shall cause the part to be removed without  
11 unnecessary mutilation. After removal of the part, custody  
12 of the remainder of the body vests in the surviving spouse,  
13 next of kin, or other persons under obligation to dispose  
14 of the body.

15 (b) The time of death shall be determined by a  
16 physician who attends the donor at his death, or, if  
17 none, the physician who certifies the death. The physician  
18 shall not participate in the procedures for removing or  
19 transplanting a part.

20 (c) A person who acts in good faith in accordance  
21 with the terms of this Act or the anatomical gift laws of  
22 a state of the United States or a foreign country is not  
23 liable for damages in any civil action or subject to  
24 prosecution in any criminal proceeding for his act.

25 (d) The provisions of this Act are subject to the  
26 laws of this territory prescribing powers and duties with  
27 respect to autopsies.

28 Section 49247. Uniformity of interpretation. This  
29 Act shall be so construed as to effectuate its general  
30 purpose to make uniform the law of the states and  
31 territories of the United States which enact it.

1  
2

Section 49248. Short title. This Act may be cited  
as the Guam Uniform Anatomical Gift Act."