

RÉSUMÉ DIGEST

ACT 511 (SB 427)

2026 Regular Session

Pressly

Existing law establishes the Anatomical Gift Act.

Existing law provides that the provisions governing anatomical gifts apply to the making, amendment, revocation, or refusal of such gifts.

Existing law authorizes an anatomical gift of a donor's body or parts for transplantation, therapy, research, or education and specifies who may make such a gift prior to death, including an adult, certain minors, an authorized agent, a parent of an unemancipated minor, or a guardian.

Existing law provides for the methods by which an anatomical gift may be executed, including indication on certain licenses, by will, donor card, registry, or other qualifying communication, and establishes witness requirements in certain circumstances. Further provides that license status does not invalidate a gift and that gifts made by will remain effective upon death regardless of probate status.

Existing law authorizes a person to refuse to make an anatomical gift and provides methods for executing, amending, or revoking such refusal. Existing law further provides that an unrevoked refusal bars others from making a gift absent an express contrary indication.

Existing law establishes the preclusive effect of an anatomical gift, generally barring others from amending or revoking a valid gift absent contrary intent, and provides rules governing conflicts between multiple authorized decision-makers. Further provides limited authority for a parent to revoke or amend a minor's gift upon death.

Existing law provides an order of priority of persons authorized to make an anatomical gift after a decedent's death, beginning with an agent and proceeding through family members and other qualifying individuals. Existing law further provides rules for resolving disputes within a class and prohibits lower-priority persons from acting if a higher-priority person is reasonably available.

Existing law authorizes anatomical gifts to be made by certain verbal communications under specified conditions, including recording or witness requirements.

Existing law provides for the amendment or revocation of an anatomical gift prior to death, including by signed record, subsequent inconsistent document, destruction, or qualifying communication. Existing law further provides witness requirements, special rules for gifts made by will, and procedures for revocation or amendment by authorized persons, including those in higher-priority classes.

Existing law provides that revocation of an anatomical gift is effective only if communicated before organ procurement or recipient preparation procedures begin.

New law, relative to anatomical gifts, provides that no authorization to make an anatomical gift after death is to be construed as consent to any act undertaken prior to death.

New law provides that an anatomical gift may be made by an individual who is at least 18 years of age or older or a minor who is emancipated pursuant to law or who is legally married, and who is otherwise authorized by law to make healthcare decisions for himself.

New law provides for methods for making an anatomical gift and provides that a refusal to make an anatomical gift may be executed in the same manner and with the same legal effect as an anatomical gift.

New law provides that a revocation of a refusal is a neutral act that withdraws the prior refusal, does not constitute an anatomical gift, and results in no anatomical gift decision being in effect unless and until a new authorization or refusal is made.

New law provides that if multiple anatomical gift decisions exist, including decisions made in another state or country, the most recent legally effective authorization or refusal shall control.

New law prohibits governmental entities, including driver's license authorities, from soliciting or recording anatomical gift authorization or refusal from minors in the absence of a parent or legal guardian and preserves the requirement for express parental or guardian concurrence for any representation made to a minor but permits recordings of representations solely for informational purposes.

New law defines a donation after circulatory death and after brain death as when determined by a licensed physician based on ordinary standards of approved medical practice when the person has experienced irreversible cessation of spontaneous respiratory and circulatory functions. New law prohibits premortem interventions that have a material likelihood of hastening death or manufacturing irreversibility regardless of consent. Provides that authorization to make an anatomical gift after death does not constitute consent to premortem interventions.

New law requires disclosure and express authorization for post-determination transport of a decedent to another facility and for continuation of mechanical support following death and standards for lawful organ and tissue recovery.

New law provides for the effect of anatomical gift decisions and out-of-state anatomical gift decisions.

Effective January 1, 2027.

(Amends R.S. 17:2351, 2352, 2354, 2354.1, 2354.2, 2354.7, 2354.8, and 2357(A) and (F); adds R.S.17:2351.1 and 2354.10-14)