

AN INDIVIDUAL IS CONSIDERED MEDICALLY AND LEGALLY DEAD IF, BASED ON ORDINARY STANDARDS OF MEDICAL PRACTICE:

(1) THERE IS NEITHER SPONTANEOUS RESPIRATORY FUNCTION NOR SPONTANEOUS CARDIAC FUNCTION; AND

(2) BECAUSE OF THE DISEASE OR CONDITION THAT DIRECTLY OR INDIRECTLY CAUSED THESE FUNCTIONS TO CEASE OR BECAUSE OF THE PASSAGE OF TIME SINCE THESE FUNCTIONS CEASED, ATTEMPTS AT RESUSCITATION ARE CONSIDERED HOPELESS.

(B) TIME OF DEATH.

DEATH IS CONSIDERED TO HAVE OCCURRED AT THE TIME THE FUNCTIONS DESCRIBED IN SUBSECTION (A) OF THIS SECTION CEASED.

REVISOR'S NOTE: This section formerly appeared as Article 43, § 54F(a).

The only changes are in style.

5-203. ABSENCE OF BRAIN FUNCTION.

(A) DETERMINATION OF DEATH.

AN INDIVIDUAL IS CONSIDERED MEDICALLY AND LEGALLY DEAD IF, IN THE OPINION OF A PHYSICIAN, BASED ON ORDINARY STANDARDS OF MEDICAL PRACTICE:

(1) THERE IS NO SPONTANEOUS BRAIN FUNCTION BECAUSE OF A KNOWN DISEASE OR CONDITION; AND

(2) DURING REASONABLE ATTEMPTS TO MAINTAIN OR RESTORE SPONTANEOUS CIRCULATORY OR RESPIRATORY FUNCTION WHEN THERE IS NO SPONTANEOUS BRAIN FUNCTION, IT APPEARS THAT FURTHER ATTEMPTS AT RESUSCITATION OR SUPPORTIVE MAINTENANCE WILL NOT SUCCEED.

(B) TIME OF DEATH.

DEATH IS CONSIDERED TO HAVE OCCURRED AT THE TIME THAT THE CONDITIONS DESCRIBED IN SUBSECTION (A) OF THIS SECTION COINCIDED.

(C) PRONOUNCEMENT OF DEATH.

A PRONOUNCEMENT OF DEATH UNDER THIS SECTION SHALL BE MADE:

(1) BEFORE ANY ARTIFICIAL MEANS OF SUPPORTING RESPIRATORY AND CIRCULATORY FUNCTION ARE TERMINATED; AND

(2) BEFORE ANY VITAL ORGAN IS REMOVED FOR TRANSPLANTATION.