

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That section(s) of the Annotated Code of Maryland (as enacted by Chapter \_\_\_\_\_ (H.B. 200) of the Acts of the General Assembly of 1982) read(s) as follows:

Article - Health - General

5-202.

~~(a)~~ (A) An individual is [considered medically and legally] dead if, based on ordinary standards of medical practice, THE INDIVIDUAL HAS SUSTAINED EITHER:

[(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]

(1) IRREVERSIBLE CESSATION OF CIRCULATORY ~~OR~~ AND RESPIRATORY FUNCTIONS; OR

(2) IRREVERSIBLE CESSATION OF ALL FUNCTIONS OF THE ENTIRE BRAIN, INCLUDING THE BRAIN STEM.

(B) (1) THIS SUBSECTION DOES NOT APPLY TO THE REMOVAL OF A VITAL ORGAN WHILE THE INDIVIDUAL IS ALIVE, IF THE INDIVIDUAL GIVES INFORMED CONSENT TO THE REMOVAL.

(2) A PRONOUNCEMENT OF DEATH UNDER THIS SECTION SHALL BE MADE BEFORE ANY VITAL ORGAN IS REMOVED FOR TRANSPLANTATION.

[(b) Death is considered to have occurred at the time the functions described in subsection (a) of this section ceased.]

~~(C)--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--~~

[5-203.

~~-(a)~~ (a) 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