

the appropriate organ, tissue, or eye recovery agency or a designated requestor shall initiate a request under [subsection (d) of this section] PARAGRAPH (4) OF THIS SUBSECTION, if applicable.

[(d)] (4) [(1)](I) Except as provided in [subsection (j) of this section] PARAGRAPH (10) OF THIS SUBSECTION, when an individual dies in a hospital in accordance with § 5-202 of this article, a representative of the appropriate organ, tissue, or eye recovery agency or a designated requestor shall request, with sensitivity, in the order of stated priority, that the individual's representative consent to the donation of all or any of the decedent's organs or tissues as an anatomical donation if suitable.

[(2)](II) For the purposes of [paragraph (1) of this subsection] SUBPARAGRAPH (I) OF THIS PARAGRAPH, the representative of the deceased individual is 1 of the following individuals listed in the following order of priority:

[(i)] 1. A spouse, but, if not alive or not competent, then;

[(ii)] 2. A son or daughter who is at least 18 years old, but, if not alive, competent, or immediately available, then;

[(iii)] 3. A parent, but, if not alive, competent, or immediately available, then;

[(iv)] 4. A brother or sister who is at least 18 years old, but, if not alive or not competent, then;

[(v)] 5. A guardian;

[(vi)] 6. A friend or other relative of the decedent, if the individual:

[1.] A. Is a competent individual; and

[2.] B. Presents an affidavit to the attending physician stating:

[A.] I. That the individual is a relative or close friend of the decedent; and

[B.] II. Specific facts and circumstances demonstrating that the individual maintained regular contact with the decedent sufficient to be familiar with the decedent's activities, health, and personal beliefs; or

[(vii)] 7. Any other person authorized or required to dispose of the body.

[(3)](III) [(i)] 1. This [subsection] PARAGRAPH does not apply if the decedent has given contrary directions.

[(ii)] 2. The failure of the decedent to make a gift is not a contrary direction for purposes of this [subsection] PARAGRAPH.

[(4)](IV) Contrary directions given by the decedent under this [subsection] PARAGRAPH shall be recorded in the decedent's medical record.