

BY repealing and reenacting, with amendments,

Article - Health - General

Section 19-310

Annotated Code of Maryland

(1990 Replacement Volume and 1993 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

**Article - Health - General**

5-604.1.

(A) AN ADVANCE DIRECTIVE MAY CONTAIN A STATEMENT BY A DECLARANT THAT THE DECLARANT CONSENTS TO THE GIFT OF ALL OR ANY PART OF THE DECLARANT'S BODY FOR ANY ONE OR MORE OF THE PURPOSES SPECIFIED IN TITLE 4, SUBTITLE 5 OF THE ESTATES AND TRUSTS ARTICLE.

(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN ANATOMICAL GIFT IN AN ADVANCE DIRECTIVE IS VALID AND EFFECTIVE FOR ALL PURPOSES UNDER TITLE 4, SUBTITLE 5 OF THE ESTATES AND TRUSTS ARTICLE, INCLUDING THE IMMUNITY FROM CIVIL OR CRIMINAL LIABILITY SET FORTH IN §4-508(B) OF THE ESTATES AND TRUSTS ARTICLE.

19-310.

(a) (1) In accordance with § 5-202 of this article, when an individual dies in a hospital, the hospital administrator or a designee of the hospital administrator 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) For the purposes of paragraph (1) of this subsection, the representative of the deceased individual is 1 of the following individuals listed in the following order of priority:

- (i) A spouse, but, if not alive or not competent, then;
- (ii) A son or daughter who is at least 18 years old, but, if not alive or not competent, then;
- (iii) A parent, but, if not alive or not competent, then;
- (iv) A brother or sister who is at least 18 years old, but, if not alive or not competent, then;
- (v) A guardian.

(3) This subsection does not apply if the decedent has given actual notice of any objection.