



2005 ASSEMBLY BILL 168

March 3, 2005 - Introduced by Representatives STASKUNAS, GIELOW, HAHN, POPE-ROBERTS, BERCEAU, LEHMAN, WASSERMAN, F. LASEE, TOWNSEND, ALBERS, AINSWORTH and SHERIDAN, cosponsored by Senators PLALE, MILLER, HANSEN and ERPENBACH. Referred to Committee on Health.

1 **AN ACT to amend** 157.06 (2) (h) of the statutes; **relating to:** prohibiting certain
2 persons from refusing to honor, or from attempting to avoid honoring, a
3 document of gift for donation of an anatomical gift and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, an individual who is at least 18 years of age may make an anatomical gift (the donation of all or part of his or her body, to take effect after death) by means of a document of gift (a card, a statement attached to or imprinted on an operator's license, an identification card issued by the Department of Transportation, a will, or another writing). An anatomical gift that is not revoked by the donor before death is irrevocable and does not require the consent or concurrence of any person after the donor's death.

This bill prohibits a donor's family member, guardian, agent under a health care power of attorney or a financial power of attorney, or the personal representative for his or her estate from refusing to honor the donor's document of gift or seeking to avoid honoring the donor's document of gift.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 **SECTION 1.** 157.06 (2) (h) of the statutes is amended to read:

ASSEMBLY BILL 168**SECTION 1**

1 157.06 (2) (h) An anatomical gift that is not revoked by the donor before death
2 is irrevocable and does not require the consent or concurrence of any person after the
3 donor's death. No family member or guardian of the donor, no agent under the
4 donor's power of attorney for health care or financial power of attorney, and no
5 personal representative for the estate of a donor may refuse to honor the donor's
6 document of gift or attempt to avoid honoring the donor's document of gift.

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(END)