

SENATE BILL NO. 321

INTRODUCED BY A. OLSZEWSKI

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO CADAVERS; ALLOWING A LICENSED PHYSICIAN TO PROCURE A CADAVER SPECIMEN FROM A NATIONALLY ACCREDITED NONTRANSPLANT ANATOMIC BANK FOR ANATOMIC DISSECTION AND SURGICAL DEMONSTRATION AND TRAINING; AND AMENDING SECTIONS 50-21-101, 50-21-102, AND 50-21-103, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 50-21-101, MCA, is amended to read:

"50-21-101. Procurement of cadavers. ~~(1) Any~~ A medical school in the United States may procure unclaimed human bodies for use in teaching and demonstrations of anatomy.

(2) A physician licensed in the state of Montana may procure a cadaver specimen from a nationally accredited nontransplant anatomic bank for the purposes of anatomic dissection and surgical demonstration and training."

Section 2. Section 50-21-102, MCA, is amended to read:

"50-21-102. Procedure to procure cadavers. The procedure to procure a human body for use in teaching and demonstrations of anatomy is as follows:

(1) ~~The~~ A medical school shall apply to the person or organization that has custody of the unclaimed body asking that the body be delivered to the school for teaching and demonstration of anatomy.

(2) The medical school shall file a notarized statement with the department of public health and human services showing that proper equipment is available for proper handling, security, and preservation of human bodies.

(3) The body must be kept at the unit, institution, or hospital for at least 3 weeks after the date of death before it can be used.

(4) The medical school shall pay the costs of special preparation and transportation of the body.

(5) A burial permit must accompany each body, and the medical school shall properly register the body and arrange for burial by a licensed mortician at the expense of the medical school.

1 (6) If there was no request by the deceased person that the deceased's body be buried immediately, the
2 person or organization that has custody may deliver an unclaimed body to the medical school applying.

3 (7) The medical school shall file a statement with the department stating that the body will be used only
4 for teaching and demonstration of anatomy.

5 (8) A licensed physician shall contract with a nationally accredited nontransplant anatomic bank for the
6 delivery and disposal of an anatomic specimen for the purposes of conducting anatomical dissection or surgical
7 demonstration and training. The specimen must be delivered to a hospital or surgical center licensed by the
8 state."

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10 **Section 3.** Section 50-21-103, MCA, is amended to read:

11 **"50-21-103. Limitations on right to perform autopsy or dissection.** The right to perform an autopsy,
12 dissect a human body, conduct surgical demonstration or training on a human body, or make any postmortem
13 examination involving dissection of any part of a body is limited to cases ~~in which~~:

14 (1) which are specifically authorized by law;

15 (2) in which a coroner is authorized to hold an inquest and then only to the extent that the coroner may
16 authorize dissection or autopsy;

17 (3) authorized by a written statement of the deceased, whether the statement is of a testamentary
18 character or otherwise;

19 (4) authorized by the husband, wife, or next of kin responsible by law for burial to determine the cause
20 of death and then only to the extent authorized;

21 (5) in which the decedent died in a hospital operated by the United States department of veterans affairs,
22 Montana school for the deaf and blind, or an institution in the department of corrections or the department of
23 public health and human services, leaving no surviving husband, wife, or next of kin responsible by law for burial
24 and the manager or superintendent of the hospital or institution where death occurred obtains authority on order
25 of the district court to determine the cause of death and then only to the extent authorized by court order;

26 (6) in which the decedent died in the state, was a resident, but left no surviving husband, wife, or next
27 of kin charged by law with the duty of burial and the attending physician obtains authority on order of the district
28 court for the purpose of ascertaining the cause of death and then only to the extent authorized by court order after
29 it has been shown that the physician made diligent search for the next of kin responsible by law for burial."

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