

2009 SESSION

INTRODUCED

093248408

HOUSE BILL NO. 2258

Offered January 14, 2009

Prefiled January 14, 2009

A BILL to amend and reenact § 32.1-127.1 of the Code of Virginia, relating to exemption from liability for routine organ and tissue donation; funeral homes.

Patron—Massie

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-127.1 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-127.1. Immunity from liability for routine referral for organ and tissue donation.

Any chief administrative officer of a hospital or his designee who administers the routine referral required by § 32.1-127, *any funeral home that receives a body following routine donation of organs, tissues, or eyes, and provides embalming, cremation, or other professional funeral services*, and any representative of any organ procurement organization or eye or tissue bank who receives notice of a death or imminent death, determines the suitability of the decedent or patient for organ donation, makes contact with the family of a decedent or patient to request the donation of organs, tissues or eyes, or assists or performs the removal of any donated organs, tissues or eyes shall be immune from civil liability for any act, decision, or omission or statement made in accordance with the provisions of § 32.1-127, the regulations of the Board, and the provisions of the Health Care Financing Administration's regulations on routine referral and organ donation, unless he was grossly negligent or acted in bad faith or with malicious intent.

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