

**10 GCA HEALTH AND SAFETY
CH. 83A GUAM ORGAN DONOR REGISTRY PROGRAM**

**CHAPTER 83A
GUAM ORGAN DONOR REGISTRY PROGRAM**

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SOURCE: This Chapter was added by P.L. 24-249:1.

§ 83A101. Title.

This Act may be cited or referred to as the *Guam Organ Donor Act of 1998*.

§ 83A102. Declaration of Death (Cessation of Life).

For purposes of this Chapter the following phrase, 'declaration of death,' shall mean that a physician declared a person dead in accordance to 10 GCA Chapter 83B. The physician declaring the death of a person shall be a Guam licensed physician.

§ 83A103. Confirmation by Another Physician.

When a physician has pronounced a person dead by determining that the individual has sustained an irreversible cessation of all functions of the entire brain, including the brain stem, there shall be independent confirmation by another physician.

§ 83A104. Confirmation of Death of a Donor for Transplantation.

When a part of the donor is used for direct transplantation pursuant to Chapter 83 of Title 10 of the Guam Code Annotated, Guam Uniform Anatomical Gift Act, and the death of the donor is determined by determining that the individual has suffered an irreversible cessation of all functions of the entire brain, including the brain stem, there shall be an independent confirmation of the death by another physician. Neither the physician making the determination of death under §83A102, nor the physician making the independent confirmation shall participate in the procedures for removing or transplanting a part of the donor.

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§ 83A105. Organ Donor Registries.

(a) Registry at GMHA. There is hereby established within the Guam Memorial Hospital Authority ('*GMHA*') an island-wide Organ Donor Registry ('*Registry*'). The Registry shall be in accordance to §83102 of Chapter 83 of Title 10 of the Guam Code Annotated, Uniform Anatomical Gift Act. The Registry shall serve as a legal authorization document and conclusive evidence of a statement of anatomical gift declaration and that organ procurement may proceed without further verification. Within ninety (90) days after enactment, GMHA shall promulgate rules and regulations to effectuate the intent of this Act.

(b) Driver's License and Guam Identification Card Organ Donor Registries. There is hereby established a Guam Driver's License ('*License*') Organ Donor Registry by the Department of Revenue and Taxation. There is hereby established a Guam Identification Card ('*I.D. Card*') Organ Donor Registry by the Guam Police Department. The required signature for the License or I.D. Card, the signature of the government of Guam official and the affixing of the words 'Organ Donor' on the License or I.D. Card shall suffice for a legal document and authorization to proceed with the organ procurement process by GMHA or any hospital with an organ donor program.

A person involved in a traffic accident or trauma situation has executed a statement of an organ donor gift on a License or I.D. Card pursuant to §3115 of Chapter 3 of Title 16 of the Guam Code Annotated or §57104 of Chapter 57, Division 3, Part 2 of Title 10 of the Guam Code Annotated, the License or the I.D. Card shall accompany the individual to the hospital. The License or the I.D. Card shall be conclusive evidence of a statement of anatomical gift and that if the person is eighteen (18) years or older, the statement of anatomical gift shall be honored without obtaining approval or consent of any person and authorizes GMHA or any hospital with an organ donor program to remove organs or tissues.

(c) Living Donor. A living donor shall execute a consent agreement for the removal of organ(s) without the requirements of Subparagraphs (a) and (b) above; provided, that the donor is of legal age to execute a consent.

§ 83A106. Uniformity of Interpretation.

This Article shall be so construed as to effectuate its general purpose and to make uniform the laws of Guam with respect to the states and other territories of the United States.

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§ 83A107. Severability.

If any of the provisions of this Act or the application thereof to any person or circumstance are held invalid, such invalidity shall not affect any other provision or application of this Act, which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.
