

1 State of Arkansas  
2 95th General Assembly  
3 Regular Session, 2025  
4

# A Bill

HOUSE BILL 1679

5 By: Representative M. Brown  
6 By: Senator Irvin  
7

## For An Act To Be Entitled

8  
9 AN ACT TO AMEND THE REVISED ARKANSAS ANATOMICAL GIFT  
10 ACT; TO ALLOW CERTAIN CLASSES OF PERSONS TO REVOKE OR  
11 AMEND AN ANATOMICAL GIFT UPON THE DEATH OF THE DONOR;  
12 TO REQUIRE CERTAIN REPORTING OF PROCUREMENT  
13 ORGANIZATIONS; AND FOR OTHER PURPOSES.  
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## Subtitle

16  
17 TO AMEND THE REVISED ARKANSAS ANATOMICAL  
18 GIFT ACT; TO ALLOW CERTAIN CLASSES OF  
19 PERSONS TO REVOKE OR AMEND AN ANATOMICAL  
20 GIFT UPON THE DEATH OF THE DONOR; AND TO  
21 REQUIRE CERTAIN REPORTING OF PROCUREMENT  
22 ORGANIZATIONS.  
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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26 SECTION 1. Arkansas Code § 20-17-1205, concerning the manner of making  
27 an anatomical gift before the donor's death, is amended to add an additional  
28 subsection to read as follows:

29 (e) An anatomical gift made under this section without a clear  
30 indication to the contrary shall constitute a gift for the purpose of  
31 transplantation only.  
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33 SECTION 2. Arkansas Code § 20-17-1206, concerning amending or revoking  
34 an anatomical gift before the donor's death, is amended to add additional  
35 subsections to read as follows:

36 (f) Subject to § 20-17-1208, in the event a donor is incapacitated, a



1 donor's prior anatomical gift may be modified, amended, or revoked by:

2 (1) An agent of the donor who could have made an anatomical gift  
3 under § 20-17-1204 immediately before the donor's incapacitation;

4 (2) The spouse of the donor;

5 (3) Adult children of the donor;

6 (4) A parent of the donor;

7 (5) An adult sibling of the donor;

8 (6) An adult grandchild of the donor;

9 (7) A grandparent of the donor;

10 (8) An adult who exhibited special care and concern for the  
11 donor;

12 (9) A person who is acting as the guardian of the person of the  
13 donor before the time of incapacitation; and

14 (10) Any other person having the authority to dispose of the  
15 donor's body.

16 (g)(1) If there is more than one (1) member of a class listed in  
17 subdivisions (f)(1), (3), (4), (5), (6), (7), or (9) of this section who is  
18 entitled to make an anatomical gift, an anatomical gift may be made or  
19 revoked, in whole or in part, by a member of the class unless that member or  
20 a person to which the gift may pass under § 20-17-1211 knows of an objection  
21 by another member of the class.

22 (2) If an objection is known, the gift may be made, or a  
23 previous gift revoked, only by a majority of the members of the class who are  
24 reasonably available.

25 (h) A person shall not modify, amend, or revoke an anatomical gift if,  
26 at the time of the donor's incapacitation, a person in a prior class under  
27 subsection (f) of this section is reasonably available to modify, amend, or  
28 revoke or to object to the modification, amendment, or revocation of an  
29 anatomical gift.

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31 SECTION 3. Arkansas Code § 20-17-1209 is amended to read as follows:

32 20-17-1209. Who may make anatomical gift of decedent's body or part.

33 (a) Subject to subsections (b) and (c) of this section and unless  
34 barred by § 20-17-1207 or § 20-17-1208, an anatomical gift of a decedent's  
35 body or part for purpose of transplantation, therapy, research, or education  
36 may be made, or a previous anatomical gift revoked, in whole or in part, by

1 any member of the following classes of persons who is reasonably available,  
 2 in the order of priority listed:

- 3 (1) an agent of the decedent at the time of death who could have  
 4 made an anatomical gift under § 20-17-1204(2) immediately before the  
 5 decedent's death;
- 6 (2) the spouse of the decedent;
- 7 (3) adult children of the decedent;
- 8 (4) parents of the decedent;
- 9 (5) adult siblings of the decedent;
- 10 (6) adult grandchildren of the decedent;
- 11 (7) grandparents of the decedent;
- 12 (8) an adult who exhibited special care and concern for the  
 13 decedent;
- 14 (9) the persons who were acting as the guardians of the person  
 15 of the decedent at the time of death; and
- 16 (10) any other person having the authority to dispose of the  
 17 decedent's body.

18 (b) If there is more than one member of a class listed in ~~subsection~~  
 19 subdivisions (a)(1), (3), (4), (5), (6), (7), or (9) entitled to make an  
 20 anatomical gift, an anatomical gift may be made or revoked, in whole or in  
 21 part, by a member of the class unless that member or a person to which the  
 22 gift may pass under § 20-17-1211 knows of an objection by another member of  
 23 the class. If an objection is known, the gift may be made or a previous gift  
 24 revoked only by a majority of the members of the class who are reasonably  
 25 available.

26 (c) A person may not make or revoke an anatomical gift if, at the time  
 27 of the decedent's death, a person in a prior class under subsection (a) is  
 28 reasonably available to make or revoke or to object to the making or revoking  
 29 of an anatomical gift.

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 31 SECTION 8. Arkansas Code Title 20, Chapter 17, Subchapter 12, is  
 32 amended to add an additional section to read as follows:

33 20-17-1228. Reporting of procurement organization.

34 (a)(1) Beginning January 1, 2026, a procurement organization that  
 35 procures or harvests organs or tissues within this state shall report to:

36 (A) The House Committee on Public Health, Welfare, and

1 Labor; and

2 (B) The Senate Committee on Public Health, Welfare, and  
 3 Labor.

4 (2) The report described in subdivision (a)(1) of this section  
 5 shall contain:

6 (A)(i) The number and types of organs and tissues  
 7 harvested by the procurement agency within this state during the reporting  
 8 period.

9 (ii) The procurement organization shall break down  
 10 the number and types of organs and tissues reported under subdivision  
 11 (a)(2)(A)(i) of this section by the number and types of organs and tissues  
 12 which were used for:

- 13 (a) Transplantation;
- 14 (b) Research;
- 15 (c) Education; and
- 16 (d) Any other purpose;

17 (B) The success rate, if known, of transplantations using  
 18 organs or tissues harvested or procured by the procurement organization;

19 (C) The names of each organization to whom organs or  
 20 tissues were furnished by the procurement organization, together with the  
 21 number and types of organs or tissues furnished to such organization;

22 (D)(i) The total moneys paid to the procurement  
 23 organization in connection with all organs or tissues harvested or procured  
 24 by the procurement organization during the reporting period.

25 (ii) The procurement organization shall break down  
 26 the moneys paid to the procurement organization reported under subdivision  
 27 (a)(2)(D)(i) of this section by the category of moneys earned from organs or  
 28 tissues harvested or procured for:

- 29 (a) Transplantation;
- 30 (b) Research;
- 31 (c) Education; and
- 32 (d) Any other purpose; and

33 (E) Any other information requested by the House Committee  
 34 on Public Health, Welfare, and Labor and the Senate Committee on Public  
 35 Health, Welfare, and Labor.

36 (b) The report under this section shall be made at least twice a year

1 and shall cover the immediately preceding six-month period.

2 (c) The report under this section shall be presented by an executive  
3 of the procurement organization who shall be available to answer questions of  
4 the House Committee on Public Health, Welfare, and Labor and the Senate  
5 Committee on Public Health, Welfare, and Labor.

6 (d) A procurement organization that fails to timely report pursuant to  
7 this section shall have its charter revoked by the Secretary of State and  
8 shall be barred from engaging in organ procurement within this state.

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