

**§2949. Who may make anatomical gift of decedent's body or part**

**1. Gift by members of class; priority.** Subject to subsections 2 and 3 and unless barred by subsection 4, an anatomical gift of a decedent's body or part for purposes of transplantation, therapy, research or education may be made, in the order of priority listed, by any member of the following classes of persons who is reasonably available:

A. An agent of the decedent at the time of death who could have made an anatomical gift under section 2944, subsection 2 immediately before the decedent's death; [PL 2007, c. 601, §2 (NEW).]

B. The spouse of the decedent; [PL 2007, c. 601, §2 (NEW).]

C. The domestic partner of the decedent. For purposes of this section, "domestic partner" means a registered domestic partner or one of 2 unmarried adults who had been domiciled together under long-term arrangements that evidenced a commitment to remain responsible indefinitely for each other's welfare, including evidence of an emotional, physical or financial relationship with the decedent similar to that of a spouse; [PL 2021, c. 567, §24 (AMD).]

D. Adult children of the decedent; [PL 2007, c. 601, §2 (NEW).]

E. Parents of the decedent; [PL 2007, c. 601, §2 (NEW).]

F. Adult siblings of the decedent; [PL 2007, c. 601, §2 (NEW).]

G. Adult grandchildren of the decedent; [PL 2007, c. 601, §2 (NEW).]

H. Grandparents of the decedent; [PL 2007, c. 601, §2 (NEW).]

I. An adult who exhibited special care and concern for the decedent who is familiar with the decedent's personal values; [PL 2007, c. 601, §2 (NEW).]

J. The person or persons acting as the guardian of the person of the decedent at the time of death; and [PL 2007, c. 601, §2 (NEW).]

K. Any other person having the authority to dispose of the decedent's body. [PL 2007, c. 601, §2 (NEW).]

[PL 2021, c. 567, §24 (AMD).]

**2. Anatomical gift by member of class unless object.** If there is more than one member of a class listed in subsection 1, paragraph A, D, E, F, G, H or J entitled to make an anatomical gift, an anatomical gift may be made by a member of the class unless that member or a person to which the gift can pass under section 2951 knows of an objection by another member of the class. If an objection is known, the gift may be made only by a majority of the members of the class who are reasonably available.

[PL 2007, c. 601, §2 (NEW).]

**3. Member of prior class reasonably available.** No person may make an anatomical gift if, at the time of the decedent's death, a person in a prior class under subsection 1 is reasonably available to make or to object to the making of an anatomical gift.

[PL 2007, c. 601, §2 (NEW).]

**4. Gift barred.** An anatomical gift may not be made if doing so is barred by section 2947 or 2948.

[PL 2007, c. 601, §2 (NEW).]

**SECTION HISTORY**

PL 2007, c. 601, §2 (NEW). PL 2021, c. 567, §24 (AMD).

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