

ACT 173

A Bill for an Act Relating to Disposition of Eyes or Parts Thereof for the Purposes of Medical Sciences or Rehabilitation of Human Beings.

Be it Enacted by the Legislature of the State of Hawaii:

SECTION 1. Every person of legal age and of sound mind may by written instrument prescribed for the disposition, to be made after his death, of his eyes and/or any part thereof, provided that no such person shall receive remuneration or other valuable consideration for such disposition, and provided further that such disposition is for the purpose of advancing medical science or for the replacement or rehabilitation of diseased, worn out or injured eyes, or parts thereof, of persons living.

Each such instrument may designate the donee which may include, but not limited to, an individual, hospital, institution, an agency engaged in sight restoration or a bank maintained for the storage, preservation, and use of human eyes, or parts thereof. If no specific donee is named in such instrument, then the hospital in which the donor dies shall be deemed to be the donee, and if such donor does not die in a hospital, then the attending physician shall be deemed to be the donee. Any hospital or physician acquiring possession or custody of the body shall have the authority to remove or cause to be removed from the body the eyes and/or parts thereof which the donor has designated and to deliver the same to the named donee or to the hospital or physician deemed a donee hereunder who may make the same available to any person or institution as the hospital or physician in its or his discretion shall determine to be in need thereof. No such physician or hospital with such authority to remove shall receive any remuneration or other valuable consideration except the established fees for such services rendered, which fees shall not be a claim against the estate of the deceased donor. The hospital, donee or physician shall not be liable for any damage or subject to criminal prosecution for removing or causing to be removed said eyes or parts thereof from the body. No appointment of administrator or executor or any application to the court shall be necessary for the removal of said eyes or parts thereof. No particular form or words shall be necessary or required for such disposition or authorization, provided that the instrument conveys the clear intention of the purpose of the person making the same. Any such disposition of his own eyes or parts thereof may be revoked by the donor at any time prior to his death by the execution of a written instrument.

SECTION 2. This Act shall take effect upon its approval.
(Approved June 22, 1965.) **H.B. 1310.**