

# Uniform Anatomical Gift Act (1968)

The Uniform Anatomical Gift Act (UAGA or the Act) was passed in the US in 1968 and has since been revised in 1987 and in 2006. The Act sets a regulatory framework for the donation of organs, tissues, and other human body parts in the US. The UAGA helps regulate body donations to science, medicine, and education. The Act has been consulted in discussions about abortion, fetal tissue transplants, and Body Worlds, an anatomy exhibition. The 1968 UAGA set a legislative precedent for the donation of fetal organs and tissues and has been in the background of many debates regarding abortion and fetal tissue research.

Uniform Acts are state laws drafted by a group of individuals qualified to practice law, such as lawyers, judges, and law professors. These law professionals comprise the National Conference of Commissioners on Uniform State Laws (NCCUSL) and are in charge of updating and making suggestions for uniform laws. A Uniform Act is proposed by the NCCUSL and enacted at the state level. As there are restrictions on the breadth of federal power in the US, states have the option to adopt, decline, or adjust the act. By 1971, all states and the District of Columbia had enacted the original UAGA, with few modifications. As of 2012, forty-five states, the District of Columbia, and the US Virgin Islands have adopted the revised 2006 Act.

The NCCUSL drafted the Act in August of 1967 in an attempt to unify the US states on the topic of organ and tissue donation. Prior to the introduction of the Act, US states all had different laws regulating property rights of the bodies of the deceased. All US states adopted the 1968 UAGA within three years after the committee had approved it, and the states' Anatomical Gift Acts varied only slightly from each other.

The 1968 UAGA contains seven major sections, which clarify regulation of donations. Section 1 defines terms used in the Act. The original authors distinguished between a donor and a decedent. A donor is an individual who agrees to donate his or her own body or who has the authority to donate the body of another person, usually a close family member. The decedent is the individual whose organs, tissues, or body are donated. Section 2 explains who may consent to an anatomical gift. First, if the decedent is alive and an adult they can consent. If the decedent has died, the decedent's next of kin, if an adult, has authority over donation of the deceased's body. Section 3 provides a list of qualified donees, the recipients of the gift, including hospitals, medical schools, universities, and storage facilities for the purpose of research and education as well as individuals who will receive the gift for transplantation. It also details the legal uses of the gift, which depend on the donee. For example, a gift received by a medical school must be used for research or for the improvement of the medical field, while a gift given to an individual must be used for his or her medical treatment or tissue transplant. Section 4 of the Act explains how to enact an anatomical gift. The donor must sign the proper documents without coercion. Section 5 then describes how to deliver the gift documentation. Section 6 explains how to change or end a donation. Section 7 covers the process of donation at death, which includes that a physician must declare the time of death of the decedent.

One component of the UAGA is its inclusion as decedents of stillborn infants and, unless otherwise restricted, fetuses. Section 1 of the UAGA contains the only mention of infants and fetuses in the Act in 1968. This section categorizes stillborn infants and fetuses as legal decedents, and aborted fetuses could be considered decedents. The same consent process applies to fetuses to prevent doctors from coercing women to have an abortion. Some had speculated, however, that allowing pregnant women to choose a recipient of their donated fetus would lead to an increase in the number of abortions, as women could become pregnant with the sole intention of donating the fetus. There

has also been controversy over the donation of embryos, which the 2006 Act addresses by stating that it neither allows or disallows the use of donated embryos for research, and that other federal laws address this topic. In response to these issues, some states completely omit the word fetus from the decedent definition when they adopt the Act. Arizona, along with several other states, did so with the 2006 UAGA revisions.

The UAGA also provides legal support for donees not originally addressed by the Act, such as Body Worlds, which is a traveling exhibition featuring full body and organ displays. The bodies are preserved using Gunther von Hagens' plastination technique and highlight different aspects of human anatomy. All of these specimens, including fetuses, are donated through the Institute for Plastination (IfP) body donation program in Heidelberg, Germany. Since the IfP accepts donations from many countries, the donations must be in compliance with the laws of the nation from which they come. The North American body donation program bases its consent form on the UAGA. Donations to the IfP fall under the Act because the specimens are used for research and education. The IfP body plastination donor consent form states that, "education shall involve anatomical teaching for students and especially for the general public." Some critics, such as bioethicist Lawrence Burns of King's University College in Ontario, Canada, argue that Body Worlds is unlike other medical and research institutions because a profit is made from the public display of bodies. According to Burns, Body Worlds damages the dignity of the decedent and the exhibit should do more to protect the individuality of the decedents.

The ethical issues that have arisen from the Uniform Anatomical Gift Act and Body Worlds, fetal tissue transplants, and abortion demonstrate that there is some ambiguity in the language of Act. The UAGA has, however, created a foundation that individual states can use to regulate anatomical gifts.

## Sources

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