

Section 36, and sections 410.03 to 410.25, and 441.01 to 441.09, and all acts supplemental thereto, in which charter the matter of designating depositories for city funds and the protection thereof is provided for, or in which charter it shall hereafter be provided for, shall have the power and authority to designate or redesignate at the beginning of each calendar year, or from time to time, the banks or other legal depositories of any city in which the treasurer of the city shall deposit and keep the moneys of the city, designating in each instance the maximum amount which may at any time be kept in any one of these depositories, which maximum amount shall in no case exceed 25 percent of the paid-up capital and surplus of the depository, unless the depository shall deposit with the treasurer of the city United States government bonds to secure the deposit of the funds of the city; and, in that event, the amount so deposited shall not exceed the amount of the United States government bonds so deposited. *No depository shall deposit United States government bonds which mature within one year from the date such bonds were first considered as a part of the bank's reserve and which reserves are required by Minnesota Statutes 1967, Section 48.22.* The council of each city shall, at all times, designate depositories in the city, or elsewhere in the United States, sufficient for the depository of all funds which are likely to be in the hands of the treasurer of the city at any one time and shall, so far as consistent with the best interest of the city, designate these depositories in the city and require from these depositories good and sufficient bonds payable to the city in a penal sum not to exceed the amount designated as the limit of deposit therein, and conditioned for the safe-keeping and payment of funds so deposited, or, in lieu thereof, good and sufficient collateral as provided for by section 118.01.

Approved March 26, 1969.

CHAPTER 79—S. F. No. 448

[Coded]

An act authorizing the gift of all or part of a human body after death for specified purposes; repealing Minnesota Statutes 1967, Section 525.18, Subdivision 2 and Section 390.08.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. [525.921] **Uniform anatomical gift act;**

Changes or additions indicated by italics, deletions by ~~strikeout~~.

definitions. Subdivision 1. For the purposes of this act the terms defined in this section have the meanings given them.

Subd. 2. "Bank or storage facility" means a facility licensed, accredited, or approved under the laws of any state for storage of human bodies or parts thereof.

Subd. 3. "Decedent" means a deceased individual and includes a stillborn infant or fetus.

Subd. 4. "Donor" means an individual who makes a gift of all or part of his body.

Subd. 5. "Hospital" means a hospital licensed, accredited, or approved under the laws of any state; includes a hospital operated by the United States government, a state, or a subdivision thereof, although not required to be licensed under state laws.

Subd. 6. "Part" means organs, tissues, eyes, bones, arteries, blood, other fluids and any other portions of a human body.

Subd. 7. "Person" means an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

Subd. 8. "Physician" or "surgeon" means a physician or surgeon licensed or authorized to practice medicine under the laws of any state.

Subd. 9. "State" includes any state, district, commonwealth, territory, insular possession, and any other area subject to the legislative authority of the United States of America.

Sec. 2. [525.922] **Persons who may execute an anatomical gift.** Subdivision 1. Any individual of sound mind and 18 years of age or more may give all or any part of his body for any purpose specified in section 3, the gift to take effect upon death.

Subd. 2. Any of the following persons, in order of priority stated, when persons in prior classes are not available at the time of death, and in the absence of actual notice of contrary indications by the decedent or actual notice of opposition by a member of the same or a prior class, may give all or any part of the decedent's body for any purpose specified in section 3:

- (a) the spouse,
- (b) an adult son or daughter,
- (c) either parent,

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- (d) an adult brother or sister,
- (e) a guardian of the person of the decedent at the time of his death,
- (f) any other person authorized or under obligation to dispose of the body.

Subd. 3. If the donee has actual notice of contrary indications by the decedent or that a gift by a member of a class is opposed by a member of the same or a prior class, the donee shall not accept the gift. The persons authorized by subdivision 2 may make the gift after or immediately before death.

Subd. 4. A gift of all or part of a body authorizes any examination necessary to assure medical acceptability of the gift for the purposes intended.

Subd. 5. The rights of the donee created by the gift are paramount to the rights of others except as provided by Minnesota Statutes 1967, Section 390.11.

Sec. 3. [525.923] Persons who may become donees; purposes for which anatomical gifts may be made. The following persons may become donees of gifts of bodies or parts thereof for the purposes stated:

- (1) any hospital, surgeon, or physician, for medical or dental education, research, advancement of medical or dental science, therapy, or transplantation; or
- (2) any accredited medical or dental school, college or university for education, research, advancement of medical or dental science, therapy, or transplantation; or
- (3) any bank or storage facility, for medical or dental education, research, advancement of medical or dental science, therapy, or transplantation; or
- (4) any specified individual for therapy or transplantation needed by him.

Sec. 4. [525.924] Manner of executing anatomical gifts. Subdivision 1. A gift of all or part of the body under section 2, subdivision 1, may be made by will. The gift becomes effective upon the death of the testator without waiting for probate. If the will is not probated, or if it is declared invalid for testamentary purposes, the gift, to the extent that it has been acted upon in good faith, is nevertheless valid and effective.

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Subd. 2. A gift of all or part of the body under section 2, subdivision 1, may also be made by document other than a will. The gift becomes effective upon the death of the donor. The document, which may be a card designed to be carried on the person, must be signed by the donor in the presence of two witnesses who must sign the document in his presence. If the donor cannot sign, the document may be signed for him at his direction and in his presence in the presence of two witnesses who must sign the document in his presence. Delivery of the document of gift during the donor's lifetime is not necessary to make the gift valid.

Subd. 3. The gift may be made to a specified donee or without specifying a donee. If the latter, the gift may be accepted by the attending physician as donee upon or following death. If the gift is made to a specified donee who is not available at the time and place of death, the attending physician upon or following death, in the absence of any expressed indication that the donor desired otherwise, may accept the gift as donee. The physician who becomes a donee under this subdivision shall not participate in the procedures for removing or transplanting a part.

Subd. 4. Notwithstanding section 7, subdivision 2, the donor may designate in his will, card, or other document of gift the surgeon or physician to carry out the appropriate procedures. In the absence of a designation or if the designee is not available, the donee or other person authorized to accept the gift may employ or authorize any surgeon or physician for the purpose.

Subd. 5. Any gift by a person designated in section 2, subdivision 2, shall be made by a document signed by him or made by his telegraphic, recorded telephonic, or other recorded message.

Sec. 5. [525.925] **Delivery of document of gift.**
Subdivision 1. If the gift is made by the donor to a specified donee, the will, card, or other document, or an executed copy thereof, may be delivered to the donee to expedite the appropriate procedures immediately after death. Delivery is not necessary to the validity of the gift. The will, card, or other document, or an executed copy thereof, may be deposited in any hospital, bank or storage facility, or registry office that accepts it for safekeeping or for facilitation of procedures after death. On request of any interested party upon or after the donor's death, the person in possession shall produce the document for examination.

Subd. 2. A card, or other document, or an executed copy thereof, may be filed with the local registrar of vital statistics in the city or county of the donor's residence. The local registrar upon filing or recording the same shall transmit to the state registrar of vital sta-

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tistics on or before the tenth of each month a copy thereof. The applicable provisions of the uniform vital statistics act shall apply to the filing and recording of the instrument referred to in this subdivision.

Sec. 6. [525.926] Amendment or revocation of the gift. Subdivision 1. If the will, card, or other document or executed copy thereof, has been delivered to a specified donee, the donor may amend or revoke the gift by:

- (a) the execution and delivery to the donee of a signed statement, or
- (b) an oral statement made in the presence of two persons and communicated to the donee, or
- (c) a statement during a terminal illness or injury addressed to an attending physician and communicated to the donee, or
- (d) a signed card or document found on his person or in his effects.

Subd. 2. Any document of gift which has not been delivered to the donee may be revoked by the donor in the manner set out in subdivision 1 or by destruction, cancellation, or mutilation of the document and all executed copies thereof.

Subd. 3. Any gift made by a will may also be amended or revoked in the manner provided for amendment or revocation of wills or as provided in subdivision 1. If an amendment or revocation of the gift is made in conformity with subdivision 1, such amendment or revocation shall not affect any other part of the will.

Sec. 7. [525.927] Rights and duties at death. Subdivision 1. The donee may accept or reject the gift. If the donee accepts a gift of the entire body, he may, subject to the terms of the gift, authorize embalming and the use of the body in funeral services. If the gift is of a part of the body, the donee, upon the death of the donor and prior to embalming, shall cause the part to be removed without unnecessary mutilation. After removal of the part, custody of the remainder of the body vests in the surviving spouse, next of kin, or other persons under obligation to dispose of the body.

Subd. 2. The time of death shall be determined by a physician who attends the donor at his death, or, if none, the physician who certifies the death. The physician shall not participate in the procedures for removing or transplanting a part.

Subd. 3. A person who acts in good faith in accord with the terms of this act or the anatomical gift laws of another state or a for-

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eign country is not liable for damages in any civil action or subject to prosecution in any criminal proceeding for his act.

Sec. 8. [525.928] **Parts for transplantation.** The use of any part of a body for the purpose of transplantation in the human body shall be construed, for all purposes whatsoever, as a rendition of a service by each and every person participating therein and shall not be construed as a sale of such part for any purpose whatsoever.

Sec. 9. [525.929] **Uniformity of interpretation.** This act shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Sec. 10. [525.93] **Short title.** This act may be cited as the Uniform Anatomical Gift Act.

Sec. 11. **Repeal.** Minnesota Statutes 1967, Section 525.18, Subdivision 2, and Section 390.08, are repealed.

Approved March 26, 1969.

CHAPTER 80—S. F. No. 454

[Not Coded]

An act authorizing the city of Jackson to expend money for city publicity purposes.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Jackson, city of; publicity; expenditures.** The city of Jackson may expend money for city publicity purposes, including, but not limited to, expenditures for the purpose of furnishing tourists information, outdoor advertising, preparation, publication, and circulation of information and facts concerning the recreational facilities and business and industrial conditions of the city, and for the employment of a person to prepare and conduct a plan for the publicity and promotion of the city.

Sec. 2. All expenditures for the purposes set forth in this act shall be within the statutory limits upon tax levies in the city.

Sec. 3. This act takes effect when approved by the governing body of the city of Jackson, and upon compliance with Minnesota Statutes, Section 645.021.

Approved March 26, 1969.

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