

No. 15

1st Session, 14th Legislature, Alberta
8 Elizabeth II

BILL 15

A Bill to facilitate Corneal Transplants from the Bodies
of Deceased Persons to Living Persons

HON. MR. MANNING

Explanatory Note

General. This Bill enacts a uniform Act recommended by the Conference of Commissioners on Uniformity of Legislation in Canada. At the present time there is doubt about the power of a person to direct how any part of his body may be disposed of after his death. This Act sets out a procedure whereby a person is enabled to direct that after his death his eyes may be used for the purpose of improving or restoring the sight of a living person.

2. Interpretation.

3. Where a person who dies in a hospital has directed that his eyes be used for corneal transplants the administrative head of the hospital may authorize their removal and use.

4. Where the person dies outside a hospital, the authority for removal may be given as set out.

5. Where a deceased person has not made a request under clause 3 or 4, removal of the eyes may be authorized by the appropriate person as set out.

BILL

No. 15 of 1960

An Act to facilitate Corneal Transplants from the Bodies
of Deceased Persons to Living Persons

(Assented to _____, 1960)

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Alberta,
enacts as follows:

1. This Act may be cited as "*The Corneal Transplants Act*".

2. In this Act, "person lawfully in possession of the body" does not include

- (a) a coroner in possession of a body for the purpose of investigation,
- (b) an embalmer or funeral director in possession of a body for the purpose of its burial, cremation or other disposition, or
- (c) the Public Trustee.

3. Where a person, either in writing at any time or orally in the presence of at least two witnesses during his last illness, has requested that his eyes be used after his death for the purpose of improving or restoring the sight of a living person and he dies in a hospital, the administrative head of the hospital or the person acting in that capacity may authorize the removal of the eyes from the body of the deceased person by a duly qualified medical practitioner and their use for that purpose.

4. Where a person, either in writing at any time or orally in the presence of at least two witnesses during his last illness, has requested that his eyes be used after his death for the purpose of improving or restoring the sight of a living person and he dies in a place other than a hospital, his spouse, or if none, any of his children of full age, or if none, either of his parents, or if none, any of his brothers or sisters, or if none, the person lawfully in possession of the body of the deceased person, may authorize the removal of the eyes from the body of the deceased person by a duly qualified medical practitioner and their use for that purpose.

5. Where a person has not made a request under section 3 or 4 and dies either in or outside a hospital, his spouse, or if none, any of his children of full age, or if none,

6. Sufficiency of authority.

7. Withdrawal of request.

8. Authority for removal not to be given where inquest possible.

9. Lawful dealings not affected.

10. Coming into force.

either of his parents, or if none, any of his brothers or sisters, or if none, the person lawfully in possession of the body of the deceased person, may authorize the removal of the eyes from the body of the deceased person by a duly qualified medical practitioner and their use for the purpose of improving or restoring the sight of a living person.

6. An authority given under section 3, 4 or 5 is sufficient warrant for the removal of the eyes from the body of the deceased person by a duly qualified medical practitioner and their use for the purpose of improving or restoring the sight of a living person.

7. An authority shall not be given under section 3 or 4 if the person empowered to give the authority has reason to believe that the person who made the request subsequently withdrew it.

8. An authority shall not be given under section 3, 4 or 5 if the person empowered to give the authority has reason to believe that an inquest may be required to be held on the body of the deceased.

9. Nothing in this Act makes unlawful any dealing with the body of a deceased person that would be lawful if this Act had not been passed.

10. This Act comes into force on the day upon which it is assented to.

No. 15

FIRST SESSION

FOURTEENTH LEGISLATURE

8 ELIZABETH II

1960

BILL

An Act to facilitate Corneal Transplants from the Bodies of Deceased Persons to Living Persons

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. MANNING
