

1 AN ACT relating to health care.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 311.1961 is amended to read as follows:

- 4 (1) In any case in which a patient is in need of a cornea or corneal tissue for a
5 transplant, the coroner, medical examiner, or his ***or her*** appropriately qualified
6 designee with training in ophthalmologic techniques may, upon the request of any
7 person authorized under KRS 311.1929, provide or authorize the removal of the
8 cornea or corneal tissue by a qualified physician under the following conditions:
- 9 (a) The decedent has been defined as a "coroner's case" as set forth by KRS
10 72.405(2), an autopsy has been ordered pursuant to KRS 72.410, and the
11 cornea or corneal tissue are suitable for transplant;
- 12 (b) No objection by the next of kin is known by the coroner or medical examiner;
13 and
- 14 (c) The removal of the cornea or corneal tissue will not interfere with the
15 subsequent course of an investigation or autopsy or alter the postmortem facial
16 appearance.
- 17 (2) The medical examiner, coroner, or his appropriately qualified designee or any
18 persons authorized under KRS 311.1929 shall not be held liable in any civil or
19 criminal action for failure to obtain consent of the next of kin.
- 20 (3) An individual certified by a department of ophthalmology in an accredited school of
21 medicine as having received competent training, may remove corneas for gift after
22 proper certification of death by a physician and in compliance with the provisions of
23 KRS 311.1915, 311.1925, 311.1929, and 311.1935.