

1970

c 214 Human Tissue Act

Ontario

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Bibliographic Citation

Human Tissue Act, RSO 1970, c 214

Repository Citation

Ontario (1970) "c 214 Human Tissue Act," *Ontario: Revised Statutes*: Vol. 1970: Iss. 2, Article 88.

Available at: <http://digitalcommons.osgoode.yorku.ca/rso/vol1970/iss2/88>

CHAPTER 214

The Human Tissue Act

1. In this Act,

Interpre-
tation

- (a) "donor" means a person who,
 - (i) in writing at any time, or
 - (ii) orally in the presence of at least two witnesses during his last illness,
 has requested that his body or a specified part or parts thereof be used after his death for therapeutic purposes or for the purposes of medical education or research;
- (b) "person lawfully in possession of the body" does not include,
 - (i) a coroner in possession of a body for the purpose of investigation, or
 - (ii) an embalmer or funeral director in possession of a body for the purpose of its burial, cremation or other disposition. 1962-63, c. 59, s. 1.

2.—(1) Where a donor dies in a hospital, the administrative head of the hospital or the person acting in that capacity may authorize,

Death in
hospital

- (a) the use of the body; or
- (b) the removal of the part or parts of the body specified by the donor and the use thereof,

for therapeutic purposes or for the purposes of medical education or research in accordance with the request of the donor.

(2) Where a donor has requested that his body be used after his death for any of the purposes mentioned in this Act and he dies in a hospital, the administrative head of the hospital or the person acting in that capacity, in the event that he does not require the use of the body, shall immediately notify the local inspector of anatomy who shall thereupon take control of the body and cause it to be delivered to a person qualified to receive unclaimed bodies under section 5 of *The Anatomy Act* for the purposes of that Act. 1962-63, c. 59, s. 2.

Idem, where
body not
required

R.S.O. 1970,
c. 21

3. Where a donor 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 his body may authorize,

Death
outside
hospital

- (a) the use of the body; or
- (b) the removal of the part or parts of the body specified by the donor and the use thereof,

for therapeutic purposes or for the purposes of medical education or research in accordance with the request of the donor. 1962-63, c. 59, s. 3.

Without
deceased's
consent

4. Where a person has not made a request to be a donor and dies either in or outside 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 any specified part or parts from the body of the deceased person by a legally qualified medical practitioner and their use for therapeutic purposes or for the purposes of medical education or research. 1962-63, c. 59, s. 4.

Where
death
imminent
and
inevitable

5.—(1) Where a person who has not made a request to be a donor is, in the opinion of a legally qualified medical practitioner, incapable of making such a request and his death is imminent and inevitable, 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, may authorize the removal after death of any specified part or parts from the body of the person by a legally qualified medical practitioner and their use for therapeutic purposes or for the purposes of medical education or research.

Notice to
coroner

(2) A coroner shall be notified before any part is removed from the body of a person under subsection 1. 1967, c. 38, s. 1.

Authority
sufficient

6. An authority given,

- (a) under section 2 or 3 is sufficient warrant for use of the body; and
- (b) under section 2, 3, 4 or 5 is sufficient warrant for the removal of the specified part or parts of the body and the use thereof,

for therapeutic purposes or for the purposes of medical education or research, as the case may be. 1962-63, c. 59, s. 5; 1967, c. 38, s. 2.

Exceptions

7.—(1) An authority shall not be given under section 2 or 3 if the person empowered to give the authority has reason to believe that the person who made the request subsequently withdrew it. 1962-63, c. 59, s. 6 (1).

Idem

(2) An authority shall not be given under section 4 or 5 if the person empowered to give the authority has reason to believe that the deceased person would, if living, have objected thereto. 1962-63, c. 59, s. 6 (2); 1967, c. 38, s. 3 (1).

(3) An authority shall not be given under section 2, 3, 4 or 5 if ^{Idem} 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. 1962-63, c. 59, s. 6 (3); 1967, c. 38, s. 3 (2).

3. 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. ^{Lawful dealings not affected} 1962-63, c. 59, s. 7.

