

**CONSOLIDATION OF HUMAN TISSUE ACT**  
R.S.N.W.T. 1988,c.H-6

*(Current to: June 2, 2013)*

**AS AMENDED BY NORTHWEST TERRITORIES STATUTES:**

S.N.W.T. 1998,c.17

**AS AMENDED BY NUNAVUT STATUTES:**

S.Nu. 2011,c.25,s.10

s.10 in force October 31, 2011

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A copy of a statute of Nunavut can be obtained from the Territorial Printer at the address below. The Annual Volumes of the Statutes of Nunavut and this consolidation are also available online at <http://www.justice.gov.nu.ca> but are not official statements of the law.

Any certified Bills not yet included in the Annual Volumes of the Statutes of Nunavut can be obtained through the Office of the Clerk of the Legislative Assembly.

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## GLOSSARY OF TERMS USED IN CONSOLIDATIONS

### *Miscellaneous*

- c. means "chapter".
- CIF means "comes into force".
- NIF means "not in force".
- s. means "section" or "sections", "subsection" or "subsections", "paragraph" or "paragraphs".
- Sch. means "schedule".
- SI-005-98 means the instrument registered as SI-005-98 in 1998. (*Note: This is a Northwest Territories statutory instrument if it is made before April 1, 1999, and a Nunavut statutory instrument if it is made on or after April 1, 1999 and before January 1, 2000.*)
- SI-012-2003 means the instrument registered as SI-012-2003 in 2003. (*Note: This is a Nunavut statutory instrument made on or after January 1, 2000.*)

### *Citation of Acts*

- R.S.N.W.T. 1988,c.D-22 means Chapter D-22 of the *Revised Statutes of the Northwest Territories, 1988*.
- R.S.N.W.T. 1988,c.10(Supp.) means Chapter 10 of the Supplement to the *Revised Statutes of the Northwest Territories, 1988*. (*Note: The Supplement is in three volumes.*)
- S.N.W.T. 1996,c.26 means Chapter 26 of the 1996 Annual Volume of the Statutes of the Northwest Territories.
- S.Nu. 2002,c.14 means Chapter 14 of the 2002 Annual Volume of the Statutes of Nunavut.

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## HUMAN TISSUE ACT

### Direction for use of body for medical purposes

1. (1) A person who is 19 years of age or over may
  - (a) in writing at any time, or
  - (b) orally in the presence of at least two witnesses during his or her last illness,  
direct that his or her body or any specified part or parts of it be used after his or her death for
    - (c) therapeutic purposes,
    - (d) purposes of medical education, or
    - (e) purposes of medical research.

### Effect of direction

- (2) On the death of a person who has given a direction under subsection (1), the direction is binding and is full authority for the use of the body or for the removal and use of the specified part or parts of the body for the purposes specified in the direction, except that a person
  - (a) shall not act on the direction if that person has reason to believe that the person who gave the direction subsequently withdrew it;  
and
  - (b) shall not, except with the consent of a coroner, act on the direction if that person has reason to believe that an inquest may be required to be held on the body.

### Validity of direction

- (3) A direction given by a person under 19 years of age is valid for the purposes of this section if the person who acted on it had no reason to believe that the person who gave the direction was under 19 years of age at the time that person gave the direction.

### Definitions

2. (1) In this section,

"spouse" means a person who, immediately before the death of another person,

- (a) was married to the deceased, or
- (b) had lived in a conjugal relationship outside marriage with the deceased, if
  - (i) they had so lived for a period of at least two years, or
  - (ii) the relationship had been one of some permanence and they were together the natural or adoptive parents of a child.  
(*conjoint*)

### Definition of "person lawfully in possession of the body"

- (1.1) In paragraph (2)(e), "person lawfully in possession of the body" does not include

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

#### Direction by other person

(2) Where a person, other than a person who has given a direction under section 1, dies

- (a) the spouse of that person, or
  - (b) if none, any one of the children of that person who is 19 years of age or over, or
  - (c) if none, either of the parents of that person, or
  - (d) if none, any one of the brothers or sisters of that person who is 19 years of age or over, or
  - (e) if none, the person lawfully in possession of the body,
- may direct that the body or any specified part or parts of the body may be used for
- (f) therapeutic purposes,
  - (g) purposes of medical education, or
  - (h) purposes of medical research.

#### Effect of direction

(3) A direction under subsection (2) is full authority for the use of the body of the person referred to in subsection (2) or for the removal and use of the specified part or parts of the body for the purposes specified in the direction, except that a person

- (a) shall not act on the direction if that person has actual knowledge that another member of the same class of persons as the person who gave the direction objects to the direction;
- (b) shall not act on the direction if that person has reason to believe that the deceased person would, if living, have objected to the direction; and
- (c) shall not, except with the consent of a coroner, act on a direction if that person has reason to believe that an inquest may be required to be held on the body.

S.N.W.T. 1998,c.17,s.14; S.Nu. 2011,c.25,s.10.

#### Previous law

**3.** Nothing in this Act makes unlawful any dealing with the body of a deceased person or any part or parts of the body that would be lawful if this Act had not been enacted.