

Consent for Brain Death Testing

STATE	CONSENT REQUIRED	NO CONSENT REQUIRED	PROBABLY NO CONSENT ¹
AL			X
AK			X
AZ			X
AR			X
AK			X
CA	Court cases		
CO			X
CT			X
DE			X
DC			X
FL			
GA		Court case	
HI			X
ID			X
IL			X
IN			X
IA			X
KS	Court case		
KY			X
LA			X
ME			X
MD			X

MA			X
MI	Proposed statute		
MN			X
MS			X
MO			X
MT	Court case		
NE			X
NV		Statute	
NH			X
NJ			X
NM			X
NY		Regulation	
NC			X
ND			X
OH			X
OK			X
OR			X
PA			X
RI			X
SC			X
SD			X
TN			X
TX			X
UT			X
VT			X
VA		Court case	

WA			X
WV			X
WI			X
WY			X

¹ In the absence of affirmative statutory or regulatory constraints, medical practice is generally self-governed by the standard of care. Overwhelmingly, clinicians do not think that consent is required. Consequently, there is no duty to obtain consent. Lewis, A., Adams, N., Varelas, P., Greer, D., and Caplan, A. Organ support after death by neurologic criteria: results of a survey of US neurologists. *Neurology*. 2016; 87: 827-834.