

MAINE STATE LEGISLATURE

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R. of S

L.D. 257

DATE: 5-19-03

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HEALTH AND HUMAN SERVICES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
121ST LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 212, L.D. 257, Bill, "An Act To Honor the Intent of Organ Donors"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 22 MRSA §2911 is enacted to read:

§2911. Honor intent of organ donors

1. General rule. The intention of a person to make a donation of that person's own body organ or tissue after death must be honored. In the absence of a written statement overriding donor intent in accordance with subsection 2, or revocation or amendment of the donor's execution of the intent to donate under section 2906, Title 18-A, Article 5, Part 8 or Title 29-A, section 1402-A, health care providers licensed in this State and federally designated organ procurement organizations shall act in accordance with the donor's intention and may take appropriate actions to effect the gift.

2. Overriding donor intent. Next of kin to a person who has expressed intent to donate that person's own body organ or tissue after death may override the intention of the donor in accordance with this subsection by executing a written statement, witnessed by a person who is not a relative of the donor. The

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COMMITTEE AMENDMENT "A" to H.P. 212, L.D. 257

2 written statement must indicate that the signer has discussed
3 honoring the intent of the organ donor with a representative of
4 an organ procurement organization and must include:

6 A. An indication that the donor revoked or altered the
7 statement of intent to donate, as provided in section 2906
8 or Title 18-A, Article 5, Part 8. Next of kin acting under
9 this paragraph shall provide evidence of revocation or
10 alteration by the donor after the date of the donor's
11 expressing a willingness or intention to donate; or

12 B. An indication of the decision of the signer to override
13 the expressed intention of the donor.

14 If more than one person qualifies as next of kin and also
15 qualifies to execute an anatomical gift of all or part of the
16 decedent's body under this chapter or any other provision of law,
17 the document used to override donor intent must show the
18 agreement of a majority of those persons at the level of priority
19 of the signer under Title 18-A, section 5-805 or Title 22,
20 section 2902, subsection 2.

22 **Sec. 2. 29-A MRSA §1301, sub-§8 is enacted to read:**

24 **8. Organ and tissue donation.** This subsection applies to
25 organ donation under section 1402-A.

28 A. Before issuing or renewing a driver's license, the
29 Secretary of State shall make available to the applicant a
30 short statement on the opportunity to save a life through
31 organ and tissue donation and shall provide the applicant an
32 opportunity to become an organ or tissue donor. The
33 applicant must be given a form on which to indicate whether
34 the applicant intends to become a donor.

36 B. Information regarding the opportunity to save a life
37 through organ and tissue donation must be prominently
38 displayed on driver's license information mailed to
39 applicants or distributed at offices of the bureau and must
40 be prominently displayed on posters in offices of the bureau.

42 **Sec. 3. 29-A MRSA §1354, sub-§6, ¶B, as enacted by PL 1995, c.**
43 **505, §15 and affected by §22, is amended to read:**

46 B. The Secretary of State shall develop and implement a
47 standardized driver education curriculum that establishes
48 minimum standards for instructional goals and learning
49 objectives. The Secretary of State shall require
50 distribution of information on organ and tissue donation and
the possibility of saving lives through organ donation.

2 **Sec. 4. 29-A MRSA §1402-A, sub-§§4 and 5** are enacted to read:

4 **4. Anatomical gift coordination.** In order to coordinate
6 the donation of anatomical gifts and the receipt and
8 transplantation of organs and tissues, beginning July 1, 2004,
10 the Secretary of State shall perform the following duties.

12 A. The Secretary of State shall modify its existing
14 database system to maintain the Maine Organ Donor Registry,
16 referred to in this section as "the registry." The Secretary
18 of State shall include information on donors who indicate
20 their intention to donate through the office of the
22 Secretary of State.

24 B. The Secretary of State shall establish a volunteer
26 advisory committee to provide advice and information
28 regarding anatomical gifts, public information programs and
30 donor recognition programs.

32 C. Information maintained in the registry must be made
34 available through a secure site on the Internet, designed to
36 guard donor and family privacy, to federally designated
38 organ procurement organizations as necessary for the
40 coordination of receipt of anatomical gifts and coordination
42 of transplantation of organs and tissues.

44 D. The Secretary of State shall invite each hospital in the
46 State to nominate individual donors or families for a "Gift
48 of Life" award. The Secretary of State shall forward the
50 names of 5 persons to the Governor each year for
commendation through the "Gift of Life" award for their
generosity and humanitarian spirit.

E. Notwithstanding Title 22, section 1711-C and any other
provision of law to the contrary, a health care provider
licensed in this State to provide primary health care shall
provide information to a federally designated organ
procurement organization regarding a patient who has
indicated a willingness to become an organ donor under this
section, Title 18-A, Article 5, Part 8 or Title 22, chapter
710 if such information is provided in accordance with
professional standards applicable to organ donation and if
donor intent has not been overridden pursuant to Title 22,
section 2911, subsection 2.

5. Effect. An expression of willingness to make an
anatomical gift under this section has the same effect as a
designation under Title 18-A, Article 5, Part 8 or Title 22,
chapter 710. Revocation or suspension of the right to drive

2 under this chapter does not affect the expressed willingness of a
3 person to make an anatomical gift under this section.

4 **Sec. 5. Organ and tissue donation information.** The Secretary of
5 State shall make available to driver education schools
6 information regarding organ and tissue donation.

8 **Sec. 6. Effective date.** This Act takes effect July 1, 2004,
9 except that the provision that enacts the Maine Revised Statutes,
10 Title 29-A, section 1402-A, subsections 4 and 5 takes effect
11 after implementation of the computer system scheduled for
12 installation in the Office of the Secretary of State in 2004.'

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SUMMARY

18 This amendment does the following:

20 1. It deletes the provision requiring submission of organ
21 donation documents to the Maine Organ Donation Registry;

22 2. It deletes the provision requiring driver education
23 curricula to contain an organ donation segment and the provision
24 by driver education programs of information on organ donation and
25 the possibility of saving lives through organ donation;

26 3. It changes the witnessing of organ donation override
27 from 2 witnesses to one and requires discussion with an organ
28 procurement organization instead of the hospital;

30 4. It requires the Secretary of State's personnel to make
31 available organ donation materials instead of reading them to the
32 applicant;

34 5. It requires the Maine Organ Donor Registry to accept
35 information from those persons who indicate their intent to
36 donate through the Office of the Secretary of State;

38 6. It requires the Secretary of State to make available to
39 driver education schools information regarding organ and tissue
40 donation;

42 7. It adds an allocation in fiscal year 2004-05 of \$20,000
43 from the Highway Fund for the Maine Organ Donor Registry; and

46 8. It provides an effective date of July 1, 2004.

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FISCAL NOTE REQUIRED
(See attached)

**121st Maine Legislature
Office of Fiscal and Program Review**

LD 257

An Act To Honor the Intent of Organ Donors



LR 0263(02)

Fiscal Note for Bill as Amended by Committee Amendment " "

Committee: Health and Human Services

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - Highway Fund