

CHAPTER 1076**ANATOMICAL GIFT PUBLIC AWARENESS AND TRANSPLANTATION****S.F. 2110**

AN ACT relating to the establishment of an anatomical gift public awareness and transplantation fund to be administered by and an anatomical gift public awareness advisory committee to be established within the Iowa department of public health.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. 142C.15 ANATOMICAL GIFT PUBLIC AWARENESS AND TRANSPLANTATION FUND – ESTABLISHED – USES OF FUND.

1. a. An anatomical gift public awareness and transplantation fund is created as a separate fund in the state treasury under the control of the Iowa department of public health. The fund shall consist of moneys remitted by the county treasurer of a county or by the department of transportation which were collected through the payment of a contribution made by an applicant for registration of a motor vehicle pursuant to section 321.44A and any other contributions to the fund.

b. The moneys collected under this section and deposited in the fund are appropriated to the Iowa department of public health for the purposes specified in this section. Moneys in the fund shall not be subject to appropriation or expenditure for any other purpose.

c. The treasurer of state shall act as custodian of the fund and shall disburse amounts contained in the fund as directed by the department. The treasurer of state may invest the moneys deposited in the fund. The income from any investment shall be credited to and deposited in the fund. Notwithstanding section 8.33, moneys in the fund are not subject to reversion to the general fund of the state. The fund shall be administered by the department which shall make expenditures from the fund consistent with the purposes of this section.

d. The Iowa department of public health may use not more than five percent of the moneys in the fund for administrative costs. The remaining moneys in the fund may be expended through grants to any of the following persons, subject to the following conditions:

(1) Not more than twenty percent of the moneys in the fund annually may be expended in the form of grants to state agencies or to nonprofit legal entities with an interest in anatomical gift public awareness and transplantation. Grants shall be made based upon the submission of a grant application by an agency or entity to conduct a public awareness project.

(2) Not more than thirty percent of the moneys in the fund annually may be expended in the form of grants to hospitals for reimbursement for costs directly related to the development of in-hospital anatomical gift public awareness projects, anatomical gift referral protocols, and associated administrative expenses. As a condition of receiving a grant, a hospital shall demonstrate, through documentation, that the hospital, during the previous calendar year, properly complied with in-hospital anatomical gift request protocols for at least eighty percent of all deaths occurring in the hospital.

(3) Not more than fifty percent of the moneys in the fund annually may be expended in the form of grants to hospitals which perform heart, lung, liver, pancreas, or kidney transplants. As a condition of receiving a grant, a hospital shall demonstrate, through documentation, that the hospital, during the previous calendar year, properly complied with in-hospital anatomical gift request protocols for at least eighty percent of all deaths occurring in the hospital. The hospital shall submit an application on behalf of a patient requiring a transplant in the amount of the costs associated with the following, if funds are not available from any other third-party payor:

(a) The costs of the organ transplantation procedure.

- (b) The costs of post-transplantation drug or other therapy.
- (c) Other transplantation costs including but not limited to food, lodging, and transportation.

Sec. 2. NEW SECTION. 142C.16 ANATOMICAL GIFT PUBLIC AWARENESS ADVISORY COMMITTEE – ESTABLISHED – DUTIES.

1. The Iowa department of public health shall establish an anatomical gift public awareness advisory committee. Members shall include a representative of each of the following, appointed by the respective entity or that entity's successor:

- a. A state organ procurement organization.
- b. The Iowa medical society.
- c. The association of Iowa hospitals and health systems.
- d. The osteopathic medical association.
- e. A bank or storage organization.
- f. The Iowa chapter of the national association of social workers. The representative shall be a member of the association knowledgeable in anatomical gifts.
- g. The Iowa funeral directors association.
- h. The Iowa department of public health.
- i. The department of human services.
- j. The department of inspections and appeals.

2. Members shall serve staggered terms of two years. Appointments of members of the committee shall comply with sections 69.16 and 69.16A. Vacancies shall be filled by the original appointing authority and in the manner of the original appointment.

3. Members shall receive actual expenses incurred while serving in their official capacity and may also be eligible to receive compensation as provided in section 7E.6.

4. The committee shall annually select a chairperson from its membership. A majority of the members of the committee shall constitute a quorum.

5. The advisory committee shall assist the department in all of the following activities:

- a. Accepting and awarding grants to promote the donation of anatomical gifts.
- b. Establishing criteria for the application for and awarding of grants to promote the donation of anatomical gifts.
- c. Examining the anatomical gifts system to identify improvements or enhancements to promote anatomical gifts.
- d. Recommending legislation to improve state law regarding anatomical gifts.

Sec. 3. NEW SECTION. 321.44A VOLUNTARY CONTRIBUTION – ANATOMICAL GIFT PUBLIC AWARENESS AND TRANSPLANTATION FUND.

For each application for registration or renewal, the county treasurer or the department shall request through use of a written form, and, if the application is made in person, through verbal communication, that an applicant make a voluntary contribution of one dollar or more to the anatomical gift public awareness and transplantation fund established pursuant to section 142C.15. Moneys collected in the form of contributions shall be remitted to the treasurer of state for deposit in the fund to be used for the purposes specified for the fund. The director shall adopt rules to administer this section.

Approved April 9, 1996