

Substituted for H.F. 2307

FILED JAN 31 1996

SENATE FILE 2110  
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 2041)

Passed Senate, Date <sup>(p.417)</sup> 2/22/96 Passed House, Date 4/1/96 (p.1138)  
Vote: Ayes 45 Nays 0 Vote: Ayes 99 Nays 0  
Approved April 9, 1996

A BILL FOR

1 An Act relating to the establishment of an anatomical gift public  
2 awareness and transplantation fund to be administered by and  
3 an anatomical gift public awareness advisory committee to be  
4 established within the Iowa department of public health.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 2110

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

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

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

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

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

33 (1) Not more than twenty percent of the moneys in the fund  
34 annually may be expended in the form of grants to state  
35 agencies or to nonprofit legal entities with an interest in

1 anatomical gift public awareness and transplantation. Grants  
2 shall be made based upon the submission of a grant application  
3 by an agency or entity to conduct a public awareness project.

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

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

26 (a) The costs of the organ transplantation procedure.

27 (b) The costs of post-transplantation drug or other  
28 therapy.

29 (c) Other transplantation costs including but not limited  
30 to food, lodging, and transportation.

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

33 1. The Iowa department of public health shall establish an  
34 anatomical gift public awareness advisory committee. Members  
35 shall include a representative of each of the following,

1 appointed by the respective entity or that entity's successor:

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

14 2. Members shall serve staggered terms of two years.

15 Appointments of members of the committee shall comply with  
16 sections 69.16 and 69.16A. Vacancies shall be filled by the  
17 original appointing authority and in the manner of the  
18 original appointment.

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

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

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

27 a. Accepting and awarding grants to promote the donation  
28 of anatomical gifts.

29 b. Establishing criteria for the application for and  
30 awarding of grants to promote the donation of anatomical  
31 gifts.

32 c. Examining the anatomical gifts system to identify  
33 improvements or enhancements to promote anatomical gifts.

34 d. Recommending legislation to improve state law regarding  
35 anatomical gifts.



1 osteopathic medical association, the Iowa chapter of the  
2 national association of social workers, the Iowa funeral  
3 directors association, the Iowa department of public health,  
4 the department of human services, and the department of  
5 inspections and appeals. The duties of the committee include:  
6 advising the department regarding the accepting and awarding  
7 of grants to promote anatomical gifts, establishing criteria  
8 for the application for and awarding of grants to promote  
9 anatomical gifts, examining the anatomical gifts system to  
10 identify improvements or enhancements to promote anatomical  
11 gifts, and recommending legislation to improve state law  
12 regarding anatomical gifts.

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Gettings  
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SSB-2041

Transportation  
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SENATE FILE SF/HF 2110  
BY (PROPOSED COMMITTEE ON  
TRANSPORTATION BILL  
BY CHAIRPERSON GETTINGS)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the establishment of an anatomical gift  
2 awareness and transplanted fund to be administered by and  
3 an anatomical gift advisory committee to be established within  
4 the Iowa department of public health.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 142C.15 ANATOMICAL GIFT  
2 AWARENESS AND TRANSPLANTATION FUND -- ESTABLISHED -- USES OF  
3 FUND.

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

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

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

27 d. Moneys in the fund may be expended through grants to  
28 any of the following persons, subject to the following  
29 conditions:

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

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

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

- 23 (a) The costs of the organ transplantation procedure.
- 24 (b) The costs of post-transplantation drug or other  
25 therapy.
- 26 (c) Other transplantation costs including but not limited  
27 to food, lodging, and transportation.

28 Sec. 2. NEW SECTION. 142C.16 ANATOMICAL GIFT AWARENESS  
29 ADVISORY COMMITTEE -- ESTABLISHED -- DUTIES.

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

- 34 a. A state organ procurement organization.
- 35 b. The Iowa medical society.

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- 1 c. The association of Iowa hospitals and health systems.
- 2 d. The osteopathic medical association.
- 3 e. A bank or storage organization.
- 4 f. The Iowa chapter of the national association of social  
5 workers. The representative shall be a member of the  
6 association knowledgeable in anatomical gifts.
- 7 g. The Iowa department of public health.
- 8 h. The department of human services.
- 9 i. The department of inspections and appeals.
- 10 2. Members shall serve staggered terms of two years.
- 11 Appointments of members of the committee shall comply with  
12 sections 69.16 and 69.16A. Vacancies shall be filled by the  
13 original appointing authority and in the manner of the  
14 original appointment.
- 15 3. Members shall receive actual expenses incurred while  
16 serving in their official capacity and may also be eligible to  
17 receive compensation as provided in section 7E.6.
- 18 4. The committee shall annually select a chairperson from  
19 its membership. A majority of the members of the committee  
20 shall constitute a quorum.
- 21 5. The advisory committee shall assist the department in  
22 all of the following activities:
  - 23 a. Accepting and awarding grants to promote the donation  
24 of anatomical gifts.
  - 25 b. Establishing criteria for the application for and  
26 awarding of grants to promote the donation of anatomical  
27 gifts.
  - 28 c. Examining the anatomical gifts system to identify  
29 improvements or enhancements to promote anatomical gifts.
  - 30 d. Recommending legislation to improve state law regarding  
31 anatomical gifts.
- 32 Sec. 3. NEW SECTION. 321.44A VOLUNTARY CONTRIBUTION --  
33 ANATOMICAL GIFT AWARENESS AND TRANSPLANTATION FUND.
- 34 For each application for registration or renewal, the  
35 county treasurer or the department shall request through use

1 of a written form, and, if the application is made in person,  
2 through verbal communication, that an applicant make a  
3 voluntary contribution of one dollar or more to the anatomical  
4 gift awareness and transplantation fund established pursuant  
5 to section 142C.15. Moneys collected in the form of  
6 contributions shall be remitted to the treasurer of state for  
7 deposit in the fund to be used for the purposes specified for  
8 the fund. The director shall adopt rules to administer this  
9 section.

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## EXPLANATION

11 This bill establishes an anatomical gift awareness and  
12 transplantation fund as a separate fund within the state  
13 treasury under the control of the Iowa department of public  
14 health and also establishes an anatomical gift advisory  
15 committee within the Iowa department of public health.

16 The fund is to consist of moneys collected as contributions  
17 made by applicants for registration or renewal of registration  
18 of a motor vehicle and any other contributions to the fund.  
19 The bill provides that the moneys in the fund are to be  
20 distributed as grants to state agencies or nonprofit entities  
21 for the purpose of conducting awareness projects; to hospitals  
22 for awareness projects, referral protocols, and related  
23 administrative expenses; and to hospitals on behalf of  
24 patients for the costs related to transplantation.

25 The advisory committee is established consisting of  
26 representatives of a state organ procurement organization, a  
27 bank or storage organization, the Iowa medical society, the  
28 association of Iowa hospitals and health systems, the Iowa  
29 osteopathic medical association, the Iowa chapter of the  
30 national association of social workers, the Iowa department of  
31 public health, the department of human services, and the  
32 department of inspections and appeals. The duties of the  
33 committee include: advising the department regarding the  
34 accepting and awarding of grants to promote anatomical gifts,  
35 establishing criteria for the application for and awarding of

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1 grants to promote anatomical gifts, examining the anatomical  
2 gifts system to identify improvements or enhancements to  
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SENATE FILE 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.

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LEONARD L. BOSWELL  
President of the Senate

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RON J. CORBETT  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2110, Seventy-sixth General Assembly.

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JOHN F. DWYER  
Secretary of the Senate

Approved April 9, 1996

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TERRY E. BRANSTAD  
Governor

SF 2110