

Senate Study Bill 3049

Bill Text

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1 1 Section 1. Section 142C.2, subsection 4, Code Supplement
1 2 2001, is amended to read as follows:

1 3 4. "Document of gift" means a card signed by an individual
1 4 donor, a written statement attached to or imprinted or noted
1 5 on a driver's license or nonoperator's identification card, an
1 6 entry in a donor registry, a donor's will, or any other
1 7 written document used by a donor to make an anatomical gift.

1 8 Sec. 2. Section 142C.2, Code Supplement 2001, is amended
1 9 by adding the following new subsection:

1 10 NEW SUBSECTION. 5A. "Donor registry" means the statewide
1 11 organ and tissue donor registry established pursuant to
1 12 section 142C.18 or a similar registry.

1 13 Sec. 3. Section 142C.3, subsections 2, 3, and 12, Code
1 14 2001, are amended to read as follows:

1 15 2. An anatomical gift may be made only by completion of a
1 16 document of gift or as otherwise provided in this section. If
1 17 the prospective donor is a minor fourteen through seventeen
1 18 years of age, to be valid, a document of gift shall be signed
1 19 by the minor and the minor's parent or legal guardian. If the
1 20 document of gift requires the signature of the donor, but the
1 21 donor is unable to sign the document, the document of gift
1 22 shall be signed by another individual and by two witnesses,
1 23 all of whom sign at the direction and in the presence of the
1 24 donor, the other individual, and the two witnesses. The
1 25 document of gift, including an entry in a donor registry,
1 26 shall provide certification that the document has been
1 27 executed in the prescribed manner.

1 28 3. If a donor indicates the wish to become a donor,
1 29 pursuant to section 321.189, and the indication is attached to
1 30 or imprinted or noted on an individual's driver's license

~~or~~

1 31 nonoperator's identification card, or if a donor indicates the
1 32 wish to become a donor via an entry in a donor registry and
1 33 the entry is certified as being executed in the prescribed
1 34 manner, the document, including an entry in a donor registry,
1 35 shall be considered

~~an expression of intent for the purposes~~

2 1

~~of this section~~

~~a valid document of gift.~~

2 2 12. A document of gift may be in the form of a specific
2 3 donor card such as an eye donor card, a uniform donor card, a
2 4 driver's license, a nonoperator's identification card, an
2 5 entry in a donor registry, a will, or any other written
2 6 document executed pursuant to this chapter. A uniform donor
2 7 card shall include the options of donating any and all parts,
2 8 or any specific part or parts. A uniform donor card may, but
2 9 is not required to be, in the following form:

2 10 UNIFORM DONOR CARD

2 11 I,, have made a commitment to be an anatomical
2 12 gift donor.

2 13 I wish to donate the following:
2 14 Any needed Only the
2 15 part following part
2 16

2 17 Donor Signature Date
2 18 Sec. 4. Section 142C.4, subsection 2, paragraph a, Code
2 19 2001, is amended to read as follows:

2 20 a. A person in a prior class is available, in person or by
2 21 telephone contact, at the time of the death of the decedent to
2 22 make an anatomical gift.

2 23 Sec. 5. Section 142C.6, subsection 2, Code 2001, is
2 24 amended to read as follows:

2 25 2. If an anatomical gift is made to a designated donee,
2 26 the document of gift, or a copy, may be delivered to the donee
2 27 to expedite the appropriate procedures after the death of the
2 28 donor. The document of gift, or a copy, may be deposited in
2 29 any hospital, organ procurement organization, bank or storage
2 30 organization, or donor registry office that accepts the
2 31 document of gift for safekeeping or for the facilitation of
2 32 procedures after the death of the donor. If a document is
2 33 deposited by a donor in a hospital, donor registry, or bank or
2 34 storage organization, the hospital or bank or storage
2 35 organization may forward the document to an organ procurement
3 1 organization which will retain the document for facilitating
3 2 procedures following the death of the donor. Upon request of
3 3 a hospital, physician, or surgeon, upon or after the donor's
3 4 death, the person in possession of the document of gift may
3 5 allow the hospital, physician, or surgeon to examine or copy
3 6 the document of gift.

3 7 Sec. 6. Section 142C.7, Code 2001, is amended to read as
3 8 follows:

3 9 142C.7 CONFIDENTIAL INFORMATION.
3 10 A hospital, licensed or certified health care professional,
3 11 pursuant to chapter 148, 148C, 150A, or 152, or medical
3 12 examiner may release patient information to an organ
3 13 procurement organization, donor registry, or bank or storage
3 14 organization as part of a referral or retrospective review of
3 15 the patient as a potential donor. Additionally, a medical
3 16 examiner or a medical examiner's designee, peace officer, fire
3 17 fighter, or emergency medical care provider may release an
3 18 individual's identifying information to an organ procurement
3 19 organization, donor registry, or bank or storage organization
3 20 to determine if the individual is a donor. Any information
3 21 regarding a patient, including the patient's identity,
3 22 however, constitutes confidential medical information and
3 23 under any other circumstances is prohibited from disclosure
3 24 without the written consent of the patient or the patient's
3 25 legal representative.

3 26 Sec. 7. Section 142C.11, subsection 3, Code 2001, is
3 27 amended to read as follows:

3 28 3. A hospital, health care professional licensed or
3 29 certified pursuant to chapter 148, 148C, 150A, or 152, a
3 30 medical examiner, or a medical examiner's designee,
3 31 technician, enucleator, peace officer, fire fighter, emergency
3 32 medical care provider, or other person, who complies with this
3 33 chapter in good faith or with the applicable anatomical gift
3 34 law of another state, or who attempts in good faith to comply,
3 35 is immune from any liability, civil or criminal, which might
4 1 result from the making or acceptance of an anatomical gift.

4 2 EXPLANATION
4 3 This bill relates to the uniform anatomical gift Act. The
4 4 bill defines "document of gift" to include a written statement
4 5 attached to or imprinted or noted on a driver's license or
4 6 nonoperator's identification card and an entry in a donor
4 7 registry, in addition to the existing forms which include a
4 8 card signed by the individual donor, a donor's will, or any
4 9 other written document used by a donor to make an anatomical

4 10 gift. The bill also defines "donor registry" to mean the
4 11 statewide organ and tissue donor registry established pursuant
4 12 to Code section 142C.18 or a similar registry.

4 13 The bill provides that valid documents of gift include a
4 14 driver's license, a nonoperator's identification card, and an
4 15 entry in a donor registry if the document or entry is
4 16 certified as being executed in the prescribed manner.

4 17 The bill provides that in the provisions relating to a
4 18 donation of an anatomical gift by an individual other than the
4 19 donor, such gift cannot be made if a person in a prior class
4 20 is available, whether in person or by telephone contact, at
4 21 the time of the death of the decedent to make an anatomical
4 22 gift.

4 23 The bill provides that if an anatomical gift is made to a
4 24 designated donee, the document of gift, or a copy, may be
4 25 deposited in any hospital, organ procurement organization,
4 26 bank or storage organization, or donor registry office that
4 27 accepts the document of gift for safekeeping or for the
4 28 facilitation of procedures after the death of the donor and
4 29 includes a donor registry as one of these entities that may
4 30 forward the document to an organ procurement organization
4 31 which will retain the document for facilitating procedures
4 32 following the death of the donor.

4 33 With regard to confidential information, the bill provides
4 34 that in addition to a hospital, licensed or certified health
4 35 care professional, pursuant to Code chapter 148, 148C, 150A,
5 1 or 152, or medical examiner being able to release patient
5 2 information to an organ procurement organization, or bank or
5 3 storage organization as part of a referral or retrospective
5 4 review of the patient as a potential donor, the patient
5 5 information may also be released to a donor registry, and
5 6 additionally the bill provides that a medical examiner or a
5 7 medical examiner's designee, peace officer, fire fighter, or
5 8 emergency medical care provider may release an individual's
5 9 identifying information to an organ procurement organization,
5 10 donor registry, or bank or storage organization for the
5 11 purposes of determining if the individual is a donor. The
5 12 bill provides that the additional individuals who are
5 13 authorized to release identifying information to determine if
5 14 a person is a donor are provided immunity from civil or
5 15 criminal liability if they attempt to comply in good faith
5 16 with the anatomical gift law of this or another state.

5 17 LSB 5800SC 79

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