

Senate Study Bill 1090 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON DANIELSON)

A BILL FOR

1 An Act relating to organ and tissue donation including donation
2 of anatomical gifts through an active choice registration
3 system and the establishment of an altruistic living donor
4 registry and fund.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 142E.1 Definitions.

2 As used in this chapter, unless the context otherwise
3 requires:

4 1. "*Altruistic living donor registry*" or "*living donor*
5 *registry*" means the registry established in section 142E.2 to
6 promote and assist live organ donations.

7 2. "*Department*" means the department of public health.

8 3. "*Directed donation*" means a donation pursuant to which
9 a living donor provides an organ for a known transplant
10 candidate.

11 4. "*Iowa donor network*" means the Iowa donor network as
12 defined in section 142C.2.

13 5. "*Iowa donor registry*" means the Iowa donor registry as
14 defined in section 142C.2.

15 6. "*Nondirected donation*" means a donation pursuant to
16 which a living donor does not identify a specific recipient and
17 donates to any recipient who is a medical match.

18 7. "*Organ procurement organization*" means organ procurement
19 organization as defined in section 142C.2.

20 8. "*Paired exchange*" means a donation pursuant to which the
21 registry assists a living donor and a transplant candidate who
22 are medically incompatible to find another living donor and
23 transplant candidate pair facing the same issue and to allow
24 the donors to exchange recipients.

25 9. "*Registrar*" means the administrator of the altruistic
26 living donor registry.

27 10. "*Transplant hospital*" means a transplant hospital as
28 defined in section 142C.2.

29 Sec. 2. NEW SECTION. 142E.2 Altruistic living donor
30 registry.

31 1. The director of public health shall contract with and
32 recognize the Iowa donor registry to establish and maintain an
33 altruistic living donor registry. The living donor registry
34 shall contain information regarding individuals who have
35 identified themselves as altruistic living kidney donors. The

1 living donor registry shall be designed to promote and assist
2 live kidney donations, including but not limited to directed
3 donations, paired exchanges, and nondirected donations. The
4 registrar administering the altruistic living donor registry
5 shall develop methods to increase the number of donors who
6 enroll in the registry.

7 2. The registrar shall make available to the federally
8 designated organ procurement organizations and transplant
9 hospitals in the state, information contained in the registry
10 regarding potential donors. This information shall be used to
11 expedite a match between identified organ donors and potential
12 recipients.

13 3. The registrar may receive voluntary contributions to
14 support the registry and its activities. Any contributions
15 received shall be deposited in the altruistic living donor fund
16 created in section 142E.3.

17 4. The registrar shall collect and make all of the following
18 information relating to altruistic kidney donations available
19 to the public:

20 a. The number of donors on the registry.

21 b. The changes in the number of donors on the registry.

22 c. The general characteristics of the donors.

23 5. At such time as the centers for Medicare and Medicaid
24 services of the United States department of health and human
25 services and the united network for organ sharing determine
26 that a donation is generally regarded as safe and without a
27 significant risk of complications, and would not adversely
28 affect the health of the donor, the registrar may expand the
29 altruistic living donor registry to include individuals who
30 identify themselves as altruistic living donors of organs
31 and tissue other than kidneys. Any such expansion shall be
32 reported by the department in the annual altruistic living
33 donor report pursuant to subsection 6.

34 6. The department shall prepare and submit a report to
35 the governor and the general assembly, annually, on or before

1 January 1, regarding altruistic living donor donation. The
2 report shall contain all of the following:

3 *a.* An evaluation of living donor donation in the state,
4 including statistics regarding donor donation activity as of
5 September 30 of the preceding year.

6 *b.* Efforts in the state to increase living donor donation.

7 *c.* Annual contribution levels to the altruistic living donor
8 fund and any distributions made from the fund.

9 *d.* Efforts and ideas for increasing public awareness of the
10 option of living donor donation.

11 *e.* Additional information deemed relevant by the department
12 in assessing the status and progress of living donor donation
13 efforts in the state.

14 Sec. 3. NEW SECTION. **142E.3 Altruistic living donor fund.**

15 1. An altruistic living donor fund is created as a separate
16 fund in the state treasury under the control of the department.
17 The fund shall consist of any appropriations or contributions
18 made to the fund for the purpose of the fund.

19 2. The moneys collected under this section and deposited in
20 the fund are appropriated to the department for the purpose of
21 administering the altruistic living donor registry established
22 in section 142E.1. Moneys in the fund shall not be subject to
23 appropriation or expenditure for any other purpose.

24 3. The treasurer of state shall act as custodian of the fund
25 and shall disburse amounts contained in the fund as directed
26 by the department. The treasurer of state may invest the
27 moneys deposited in the fund. Notwithstanding section 12C.7,
28 interest or earnings on moneys in the fund shall be credited
29 to the fund. Notwithstanding section 8.33, moneys credited to
30 the fund that remain unexpended or unobligated at the end of a
31 fiscal year shall not revert to any other fund.

32 Sec. 4. NEW SECTION. **321.183A Application for driver's
33 license or nonoperator's identification card — active choice
34 anatomical gift donation.**

35 1. *a.* The application for a driver's license or

1 nonoperator's identification card or renewal of a driver's
2 license or nonoperator's identification card shall contain a
3 space for the applicant to indicate choice of enrollment as an
4 anatomical gift donor on the Iowa donor registry as defined in
5 section 142C.2.

6 *b.* The application shall include the following language to
7 allow an applicant to indicate the applicant's preference:

8 ___ Yes, add my name to the Iowa donor registry.

9 ___ I do not wish to register at this time.

10 Marking "yes" adds your name to the Iowa donor registry and an
11 indication will appear on your license or card. If you wish to
12 remove your name from the registry you must contact the Iowa
13 donor registry. The department can remove the indication from
14 your license or card, but cannot remove you from the registry.

15 If you mark "yes" to register as an anatomical gift donor,
16 you are legally authorizing the recovery of organs and tissues
17 in the event of your death. Registering as a donor will not
18 affect your medical treatment in any way. As outlined in the
19 Iowa Revised Uniform Anatomical Gift Act, Iowa Code chapter
20 142C, your authorization is legally binding if your donation
21 complies with the Iowa Revised Uniform Anatomical Gift Act.
22 You may limit your donation to specific organs or tissues,
23 place usage restrictions, for example transplantation or
24 research, obtain more information about donation, or remove
25 your name from the registry.

26 2. The department shall inquire verbally of an applicant
27 applying in person as to whether the applicant wishes to enroll
28 as an anatomical gift donor. Failure or refusal to answer
29 the question or to check a box on the application form is not
30 a basis for denial of a driver's license or nonoperator's
31 identification card.

32 3. A minor may register as a donor if the minor is
33 emancipated or if the minor is authorized under state law to
34 apply for a driver's license or identification card because
35 the minor is at least fourteen years of age, and the minor

1 authorizes registration as a donor with the signed approval of
2 a parent or guardian.

3 4. On a weekly basis, the department shall electronically
4 transmit to the Iowa donor registry, as defined in section
5 142C.2, all of the following information from every application
6 that indicates the applicant's decision to enroll in the Iowa
7 donor registry.

8 a. The applicant's true full name.

9 b. The applicant's residence or mailing address.

10 c. The applicant's year of birth.

11 d. The applicant's driver's license number or identification
12 card number.

13 5. The director shall adopt rules to administer this
14 section.

15 EXPLANATION

16 This bill relates to organ and tissue donation through
17 anatomical gifts and living donor donations.

18 The bill directs the director of public health to contract
19 with and recognize the Iowa donor registry to establish and
20 maintain an altruistic living donor registry. The living
21 donor registry is to contain information regarding individuals
22 who have identified themselves as altruistic living kidney
23 donors, and is to be designed to promote and assist live kidney
24 donations, including directed donations, paired exchanges,
25 and nondirected donations. The registrar administering the
26 altruistic living donor registry is directed to develop methods
27 to increase the number of donors who enroll in the registry.

28 The bill requires the registrar to make available to the
29 federally designated organ procurement organizations and
30 transplant hospitals in the state, information contained in the
31 registry regarding potential donors. This information must
32 be used to expedite a match between identified organ donors
33 and potential recipients. The registrar is required to make
34 certain information available to the public including the
35 number of donors on the registry; changes in the number of

1 donors on the registry; and the general characteristics of the
2 donors.

3 The bill provides that at such time as the centers for
4 Medicare and Medicaid services of the United States department
5 of health and human services and the united network for organ
6 sharing determine that a donation is generally regarded as safe
7 and without a significant risk of complications, and would
8 not adversely affect the health of the donor, the registrar
9 may expand the altruistic living donor registry to include
10 individuals who identify themselves as altruistic living donors
11 of organs and tissue other than kidneys. Any such expansion
12 is required to be reported by the department of public health
13 (DPH) in the annual altruistic living donor report.

14 The bill directs DPH to prepare and submit a report to the
15 governor and the general assembly, annually, on or before
16 January 1, regarding altruistic living donor donation, and
17 specifies the information to be included in the report. The
18 bill also establishes an altruistic living donor fund as a
19 separate fund in the state treasury under the control of DPH
20 and appropriates the moneys in the fund to DPH for the purposes
21 of administering the altruistic living donor registry.

22 The bill also provides for active choice in making an
23 anatomical gift by specifying language to be included on
24 an application for a driver's license or nonoperator's
25 identification card or renewal of a driver's license or
26 nonoperator's identification card. Under the bill, the
27 application is to contain a space for the applicant to indicate
28 choice of enrollment as an anatomical gift donor on the Iowa
29 donor registry by including boxes for an applicant to mark
30 one of the following: "yes, add my name to the Iowa donor
31 registry"; or "I do not wish to register at this time". The
32 bill also requires the department of transportation to inquire
33 verbally of an applicant applying in person as to whether
34 the applicant wishes to enroll as an anatomical gift donor.
35 Failure or refusal to answer the question or to check a box on

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1 the application form is not a basis for denial of a driver's
2 license or nonoperator's identification card. The bill also
3 specifies the language to be included on the application
4 relating to anatomical gift donation. The bill directs the
5 department, on a weekly basis, to electronically transmit
6 to the Iowa donor registry specific information relating to
7 the information provided by the applicant and directs the
8 director of the department of transportation to adopt rules to
9 administer the provisions of the bill.