

APPENDIX F

SENATE BILL 586

An Act relating to public health and safety; amending 63 O.S. 2001, Sections 2203 and 2214, which relate to anatomical gifts; expanding list of acceptable evidentiary documents related to organ donation; establishing method of declaration of intent by a minor regarding organ donation; modifying uses of certain fund; providing procedures; establishing an organ, eye and tissue donor registry; requiring specified administration of registry; stating purposes and operational date; providing for confidentiality of registry information; specifying purpose of certain information; specifying procedures; providing for certain one-time transfer for specified purpose; requiring that subsequent electronic transfers of donor information be at no cost to specified agency; requiring certain costs be paid for by procurement agency; providing for codification; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 63 O.S. 2001, Section 2203, is amended to read as follows:

Section 2203. A. Any adult of found mind may give all or any part of his or her body for any purpose specified in Section 2204 of this title, the gift to take effect upon death. The wishes of the deceased, as evidenced by ~~the~~ an advance directive, a driver license designation, a donor card, a state identification card, an on-line or other organ donor enrollment registry form, or a will shall take precedence over the wishes of the family.

B. Any of the following persons, in order of priority stated, when persons in prior classes are not available at the time of death, and in the absence of actual notice of contrary indications by the decedent or actual notice of opposition by a member of the

same or a prior class, may give all or any part of the decedent's body for any purpose specified in Section 2204 of this title:

1. The spouse;
2. An adult son or daughter;
3. Either parent;
4. An adult brother or sister;
5. A guardian of the person of the decedent at the time of death; or
6. Any other person authorized or under obligation to dispose of the body.

C. If the donee has actual notice of contrary indications by the decedent or that a gift by a member of a class is opposed by a member of the same or a prior class, the donee shall not accept the gift. The persons authorized by subsection B of this section may make the gift after or immediately before the decedent's death.

D. A gift of all or part of the body authorizes any examination necessary to assure medical acceptability of the gift for the purposes intended.

E. The rights of the donee created by the gift are paramount to the rights of others except as provided by subsection (d) of Section 2208 of this title.

SECTION 2. AMENDATORY 63 O.S. 2001, Section 2214, is amended to read as follows:

Section 2214. A. When death occurs in a general hospital as defined by Section 1-701 of this title, to a person

determined to be a suitable candidate for organ or tissue donation based on accepted medical standards, the hospital administrator or designated representative shall request the appropriate person described in subsection B of Section 2203 of this title to consent to the gift of any part of the body of the decedent as an anatomical gift.

B. No request shall be required, pursuant to this section, when the hospital administrator or designated representative has actual notice of contrary intention by the decedent or those persons described in subsection B of Section 2203 of this title according to the order of priority stated therein, or reason to believe that an anatomical gift is contrary to the religious beliefs of the decedent.

C. Upon consent of the appropriate person specified in subsection B of Section 2203 of this title, the hospital administrator or designated representative shall notify an appropriate organ or tissue bank, or retrieval organization and cooperate in the procurement of the anatomical gift pursuant to the Uniform Anatomical Gift Act.

D. The person consenting to the request for the anatomical gift may give such consent in person or by telephone, telegraph or other appropriate means pursuant to procedures established by rules of the State Board of Health.

E. The consent provided for in this section is unnecessary if the decedent has a donor card, a state identification card, or an on-line or other organ donor registry enrollment form, or other document consenting to an anatomical gift.

F. With the consent of the parent or legal guardian of a minor, a minor may declare his or her intent to be an organ, eye and tissue donor on any form of donor registration, including a driver license; provided, however, such declaration shall only constitute an intent to donate and shall not constitute consent until

such time as the minor attains the age of eighteen (18) years, at which time such donor registration shall constitute legal consent for purposes of organ, eye and tissue donation.

Section 3. NEW LAW A new section of the law to be codified in the Oklahoma Statutes as Section 2220.10 of Title 63, unless there is created a duplication in number, reads as follows:

A. 1. There is hereby established an organ, eye and tissue donor registry for the State of Oklahoma to be known as the “Life Share Donor Registry”, and to be administered by a federally designated organ procurement organization in the State of Oklahoma.

2. The registry shall maintain and update as needed the pertinent information on all Oklahomans who have indicated a willingness to be an organ donor, eye donor or tissue donor by a designation on a driver license, commercial driver license or motor cycle operator license, a state identification card, a donor card, an online or other organ donor registry enrollment form, or any other document of gift.

3. The registry shall be fully operational not later than July 1, 2004.

4. The registry and all information therein shall be confidential and subject to access only by the designated organ procurement organization, eye banks and tissue banks, operating in or serving Oklahoma, for the purpose of identifying a potential donor.

5. The purpose of the registry shall include, but not be limited to:

- a. providing a means of recovering an anatomical gift for transplantation or research, and
- b. collecting data to develop and evaluate the effectiveness of educational initiatives promoting organ, eye and tissue donation.

B. Procedures to administer the Life Share donor Registry shall specify:

1. The information to be included in the registry including, but not limited to, the data subject's full name, address, sex, birth date, age, driver license number or other unique identifying number, and other pertinent identifying personal information;

2. authorization for the federally designated organ procurement organization or a state licensed eye and tissue bank to analyze registry data under research protocols directed toward determination and identification of the means to promote and increase organ, eye and tissue donation within this state;

3. A process for updating information in the registry including a method whereby an individual may revoke his or her intent to be an organ or tissue donor;

4. The method for making information on the registry available to organ procurement organizations, tissue banks and eye banks;

5. Limitations on the use of and access to the registry;

6. A toll-free telephone number, available twenty-four (24) hours a day, for use by the public to obtain information on becoming an organ, tissue or eye donor;

7. A process for establishing an online organ, eye and tissue donor registration process and ensuring the confidentiality of information provided;

8. A process for a donor who has registered online to sign a confirmation card that will be returned to the designated Oklahoma organ procurement organization and made part of the registry record; and

9. Procedures for collaborating with the Department of Public Safety to transmit information stored in driver license data banks from the Department of Public Safety to the Life Share Donor Registry maintained by the organ procurement organization, and to ensure the confidentiality of such information for present and potential donors. Monies credited to the Oklahoma Organ Donor Education and Awareness Program Revolving Fund created in Section 2220.3 of Title 73 of the Oklahoma Statutes may be used for a one-time transfer to the Department of Public Safety for the reasonable costs associated with the initial installation and setup of equipment and software for electronic transfer of donor information. All subsequent electronic transfers of donor information shall be at no charge to the federally designated organ procurement agency; provided, however, all costs associated with the creation and maintenance of the organ, eye and tissue donor registry shall be paid by the procurement agency.

C. Information obtained by the federally designated organ procurement organization shall be used for the purpose of:

1. Establishing a statewide organ and tissue donor registry that is accessible to in-state recognized cadaveric organ and cadaveric tissue agencies for the recovery or placement of organs and tissue; and

2. Procuring agencies in other states when an Oklahoma resident is a donor of an anatomical gift and is not

located in Oklahoma at the time of death or immediately before the death of the donor.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 6th day of May, 2002.

Passed the House of Representatives the 24th day of April, 2002.