

**HOUSE BILL NO. 337**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

**BY REPRESENTATIVES MCGUIRE, Gruenberg, Gatto, Seaton, Wilson, Kerttula, Heinze, Anderson, Dahlstrom, Holm**

**Introduced: 1/12/04**

**Referred: State Affairs, Health, Education and Social Services, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to anatomical donor registries, to an anatomical gift awareness fund, to**  
2 **an anatomical gift awareness program, and to motor vehicle licenses and registrations."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 **\* Section 1.** AS 13.50.080 is amended to read:

5 **Sec. 13.50.080. Uniformity of interpretation.** AS 13.50.010 - 13.50.090  
6 [THIS CHAPTER] shall be construed and interpreted so as to carry out **their** [ITS]  
7 general purpose to make uniform the laws in those states **that** [WHICH] enact **them**  
8 [IT].

9 **\* Sec. 2.** AS 13.50.090 is amended to read:

10 **Sec. 13.50.090. Short title.** AS 13.50.010 - 13.50.090 [THIS CHAPTER]  
11 may be cited as the Uniform Anatomical Gift Act.

12 **\* Sec. 3.** AS 13.50 is amended by adding new sections to read:

13 **Article 2. Donor Registry Program.**

14 **Sec. 13.50.100. Transfer of information.** (a) Except for information on a

1 motor vehicle document issued to a donor who declines to participate in a registry,  
 2 when a donor to whom a motor vehicle document was issued dies, or when a person  
 3 who applies for a motor vehicle document makes a gift with the application, the  
 4 department shall electronically transfer all information that appears on the front of the  
 5 motor vehicle document and any changes that are subsequently received by the  
 6 department from the donor to a state procurement organization that intends to establish  
 7 a donor registry under AS 13.50.110.

8 (b) A donor to whom a motor vehicle document is issued is not required to  
 9 participate in a registry, and the department may not transfer information under (a) of  
 10 this section from a donor who declines to participate in a registry.

11 **Sec. 13.50.110. Use of transferred information.** (a) A state procurement  
 12 organization that obtains information under AS 13.50.100 shall use the information to  
 13 establish a statewide donor registry accessible by a recognized organization in

14 (1) this state that handles the recovery or placement of parts of the  
 15 body; and

16 (2) another state that handles the recovery or placement of parts of the  
 17 body when a donor who is a resident of this state is not located in this state at the time  
 18 of or immediately before death.

19 (b) A registry must include all residents of this state, regardless of their  
 20 residence within the service area designated by the federal government.

21 (c) A state procurement organization may not use registry information for  
 22 fund raising and may not disseminate information obtained under AS 13.50.100 unless  
 23 authorized by this section or by federal law.

24 (d) A state procurement organization may disseminate information obtained  
 25 under AS 13.50.100 to a recognized organization in the state that handles the recovery  
 26 or placement of parts of the body, a recognized organization in another state that  
 27 handles the recovery or placement of parts of the body, or an out-of-state federally  
 28 designated organization that handles the recovery or placement of parts of the body  
 29 and that has been designated by the United States Department of Health and Human  
 30 Services to serve an area outside this state.

31 **Sec. 13.50.120. Acquisition of other donor information.** A state

1 procurement organization may acquire donor information from sources other than the  
2 department.

3 **Sec. 13.50.130. Registry costs.** (a) A state procurement organization that has  
4 requested registry information from the department shall pay the reasonable costs  
5 associated with the creation by the organization of a registry and the reasonable costs  
6 associated with the initial installation and establishment of the facilities necessary for  
7 electronic transfer of the donor information to the organization by the department.

8 (b) After the initial transfer of information under (a) of this section, the  
9 department shall make all transfers of donor information without charge to a state  
10 procurement organization.

11 **Sec. 13.50.140. Notification of cancellation.** (a) A donor whose motor  
12 vehicle document information is on a registry shall notify a state procurement  
13 organization of the destruction or mutilation of the motor vehicle document or  
14 revocation of the gift under AS 13.50.050 in order to remove the donor's name from a  
15 registry. If the state procurement organization that is notified does not maintain a  
16 registry, the organization shall notify all state procurement organizations that do  
17 maintain a registry.

18 (b) The failure of a donor to make the notification under (a) of this section  
19 does not affect the revocation of a gift under AS 13.50.050.

20 **Sec. 13.50.150. Monetary donation program.** (a) An applicant for a motor  
21 vehicle document may donate \$1 or more to the fund to promote the donation of body  
22 parts under AS 13.50.010 - 13.50.090 (Uniform Anatomical Gift Act). The donation  
23 is voluntary and may be declined by the applicant. The department shall make  
24 available to all applicants information on the importance of making gifts.

25 (b) The department shall collect the donations made under (a) of this section  
26 and credit the donations to the fund. At least quarterly, the department shall transfer  
27 the donations to the fund.

28 (c) The department shall ask each applicant for a motor vehicle document  
29 whether the applicant is interested in making the donation under (a) of this section.

30 (d) Each state procurement organization shall pay its proportionate share of  
31 the reasonable costs associated with the creation of the donation program created

1 under this section, unless another amount is agreed to by the department.

2 **Sec. 13.50.160. Anatomical gift awareness fund.** (a) The anatomical gift  
3 awareness fund is established. The fund consists of all donations made under  
4 AS 13.50.150, other donations to the fund for a purpose identified under (b) of this  
5 section, money received by the department under AS 13.50.130, and appropriations  
6 made to the fund.

7 (b) The purpose of the fund is to promote gifts under AS 13.50.010 -  
8 13.50.090 and to administer the donation program established under AS 13.50.150.

9 (c) Donations to the fund shall be segregated within the fund until they are  
10 appropriated for use by the fund.

11 (d) Money appropriated to or for use by the fund may be spent for the  
12 purposes of the fund without further appropriation.

13 **Sec. 13.50.190. Definitions.** In AS 13.50.100 - 13.50.190,

14 (1) "department" means the Department of Administration;

15 (2) "donation" means a monetary donation made under AS 13.50.150;

16 (3) "fund" means the anatomical gift awareness fund established under  
17 AS 13.50.160;

18 (4) "motor vehicle document" means a motor vehicle registration, a  
19 driver's license, or an instruction permit, or a renewal of the registration, license, or  
20 permit;

21 (5) "procurement organization" means an organization that has been  
22 designated by the United States Department of Health and Human Services to  
23 coordinate activities for the procurement of body parts;

24 (6) "reasonable costs" includes the cost of

25 (A) computer programming and installing software and  
26 software upgrades;

27 (B) employee training that is specific to a registry or the  
28 donation program established under AS 13.50.150;

29 (C) producing literature that is specific to a registry or the  
30 donation program established under AS 13.50.150; and

31 (D) making hardware upgrades or handling other issues for a

1 registry or the donation program established under AS 13.50.150;

2 (7) "registry" means a donor registry established under AS 13.50.110;

3 (8) "registry information" means information obtained under  
4 AS 13.50.100;

5 (9) "state procurement organization" means a procurement  
6 organization designated by the United States Department of Health and Human  
7 Services for any portion of this state.

8 \* **Sec. 4.** AS 28.10.021(c) is amended to read:

9 (c) An employee of the department who processes an application for  
10 registration or renewal of registration, other than an application received by mail or an  
11 application for registration under AS 28.10.152, shall ask the applicant orally whether  
12 the applicant wishes to execute an anatomical gift or a living will. The department  
13 shall make known to all applicants the procedure for executing a gift under AS 13.50  
14 (Uniform Anatomical Gifts Act) or a living will under AS 18.12 (Living Wills and Do  
15 Not Resuscitate Orders) by displaying posters in the offices in which applications are  
16 taken, by providing a brochure or other written information to each person who  
17 applies in person or by mail, and, if requested, by providing oral advice. **The**  
18 **department shall inform each applicant in writing that, if the applicant executes**  
19 **a gift under AS 13.50 or includes an anatomical gift in a living will under**  
20 **AS 18.12 and if the gift is made with the registration application, the department**  
21 **will transmit the information on the registration to a donor registry created**  
22 **under AS 13.50.110. The department shall also direct the applicant to notify a**  
23 **state procurement organization under AS 13.50.140 if the registration is**  
24 **destroyed or mutilated or the gift is revoked under AS 13.50.050. The**  
25 **department shall carry out the requirements of AS 13.50.100 - 13.50.190.**

26 \* **Sec. 5.** AS 28.15.061(d) is amended to read:

27 (d) An employee of the department who processes a driver's license  
28 application, other than an application received by mail, shall ask the applicant orally  
29 whether the applicant wishes to execute an anatomical gift or a living will. The  
30 department shall make known to all applicants the procedure for executing a gift under  
31 AS 13.50 (Uniform Anatomical Gifts Act) or a living will under AS 18.12 (Living

1 Wills and Do Not Resuscitate Orders) by displaying posters in the offices in which  
 2 applications are taken, by providing a brochure or other written information to each  
 3 person who applies in person or by mail, and, if requested, by providing oral advice.  
 4 **The department shall inform each applicant in writing that, if the applicant**  
 5 **executes a gift under AS 13.50 or includes an anatomical gift in a living will**  
 6 **under AS 18.12 and if the gift is made with the driver's license application, the**  
 7 **department will transmit the information on the license to a donor registry**  
 8 **created under AS 13.50.110. The department shall also direct the applicant to**  
 9 **notify a state procurement organization under AS 13.50.140 if the license is**  
 10 **destroyed or mutilated or the gift is revoked under AS 13.50.050. The**  
 11 **department shall carry out the requirements of AS 13.50.100 - 13.50.190.**

12 \* **Sec. 6.** AS 28.15.111(b) is amended to read:

13 (b) The department shall provide, at the time that an operator's license is  
 14 issued, a form for a document by which the owner of a license may make an  
 15 anatomical gift under AS 13.50 or a living will under AS 18.12. The document (1)  
 16 may not be larger than an operator's license, (2) must contain sufficient space for the  
 17 signature of two witnesses or a person who is qualified to take acknowledgments  
 18 under AS 09.63.010, (3) must use the forms and designs developed under  
 19 AS 18.12.037, and (4) must provide a means by which the owner may cancel the gift  
 20 or the living will. If the document is executed by the applicant, it shall be sealed in  
 21 plastic and attached to the license. A symbol developed under AS 18.12.037  
 22 indicating the existence of the anatomical gift or living will document must be  
 23 displayed in the lower right-hand corner on the face of the driver's license. **The**  
 24 **department shall inform each applicant in writing that, if the applicant executes**  
 25 **a gift under AS 13.50 or includes an anatomical gift in a living will under**  
 26 **AS 18.12 and if the gift is made with the registration, the department will**  
 27 **transmit the information on the license to a donor registry created under**  
 28 **AS 13.50.110. The department shall also direct the applicant to notify a state**  
 29 **procurement organization under AS 13.50.140 if the license is destroyed or**  
 30 **mutilated or the gift is revoked under AS 13.50.050. The department shall carry**  
 31 **out the requirements of AS 13.50.100 - 13.50.190.**