

**CS FOR HOUSE BILL NO. 337(STA)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 1/28/04

Referred: Health, Education and Social Services, Finance

Sponsor(s): REPRESENTATIVES MCGUIRE, Gruenberg, Gatto, Seaton, Wilson, Kerttula, Heinze, Anderson, Dahlstrom, Holm, Kapsner, Meyer, Samuels

**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, to motor vehicle licenses and registrations, and  
3 to state identification cards."

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

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

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

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

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

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

14 **Article 2. Donor Registry Program.**

1           **Sec. 13.50.100. Transfer of information.** (a) Except for information on a  
 2 motor vehicle document issued to a donor who declines to participate in a registry or  
 3 when a person who applies for a motor vehicle document makes a gift with the  
 4 application, the department shall electronically transfer all information that appears on  
 5 the front of the motor vehicle document and any changes that are subsequently  
 6 received by the department from the donor to a procurement organization that intends  
 7 to establish 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 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 procurement organization may not

20                   (1) use registry information for fund raising; or

21                   (2) disseminate information obtained under AS 13.50.100 unless  
 22 authorized by this section or by federal law.

23           (c) A procurement organization may disseminate information obtained under  
 24 AS 13.50.100 to another procurement organization.

25           **Sec. 13.50.120. Acquisition of other donor information.** A procurement  
 26 organization may acquire donor information from sources other than the department.

27           **Sec. 13.50.130. Registry costs.** (a) A procurement organization that has  
 28 requested registry information from the department shall pay the reasonable costs  
 29 associated with the creation by the organization of a registry and the reasonable costs  
 30 associated with the initial installation and establishment of the facilities necessary for  
 31 electronic transfer of the donor information to the organization by the department.

1 (b) After the initial transfer of information under (a) of this section, the  
 2 department shall make all transfers of donor information without charge to a  
 3 procurement organization.

4 **Sec. 13.50.140. Notification of cancellation.** (a) A donor whose motor  
 5 vehicle document information is on a registry shall notify a procurement organization  
 6 of the destruction or mutilation of the motor vehicle document or revocation of the gift  
 7 under AS 13.50.050 in order to remove the donor's name from a registry. If the  
 8 procurement organization that is notified does not maintain a registry, the organization  
 9 shall notify all procurement organizations that do maintain a registry.

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

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

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

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

22 (d) Each procurement organization shall pay its proportionate share of the  
 23 reasonable costs associated with the creation of the donation program created under  
 24 this section, unless another amount is agreed to by the department.

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

30 (b) The purpose of the fund is to promote gifts under AS 13.50.010 -  
 31 13.50.090 and to administer the donation program established under AS 13.50.150.

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

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

5 **Sec. 13.50.170 Penalty.** A person who knowingly violates  
6 AS 13.50.110(b)(1) or (2) is guilty of a class B misdemeanor.

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

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

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

10 (3) "fund" means the anatomical gift awareness fund established under  
11 AS 13.50.160;

12 (4) "motor vehicle document" means a motor vehicle registration, a  
13 driver's license, or an instruction permit, or a renewal of the registration, license, or  
14 permit;

15 (5) "procurement organization" means a person licensed, accredited, or  
16 approved under the laws of a state for the procurement, distribution, or storage of body  
17 parts;

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

19 (A) computer programming and installing software and  
20 software upgrades;

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

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

25 (D) making hardware upgrades or handling other issues for a  
26 registry or the donation program established under AS 13.50.150;

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

28 (8) "registry information" means information obtained under  
29 AS 13.50.100;

30 (9) "state" means a state, territory, or possession of the United States,  
31 the District of Columbia, or the Commonwealth of Puerto Rico.

1 \* **Sec. 4.** AS 18.65.311(a) is amended to read:

2           **Sec. 18.65.311. Anatomical gift or living will document.** (a) The  
 3 department shall provide **a method**, at the time that an identification card is issued, [A  
 4 FORM FOR A DOCUMENT] by which the card holder may make an anatomical gift  
 5 under AS 13.50 (Uniform Anatomical Gifts Act) or a living will under AS 18.12  
 6 (Living Wills and Do Not Resuscitate Orders). The **method** [DOCUMENT (1) MAY  
 7 NOT BE LARGER THAN AN IDENTIFICATION CARD, (2) MUST CONTAIN  
 8 SUFFICIENT SPACE FOR THE SIGNATURE OF TWO WITNESSES OR A  
 9 PERSON WHO IS QUALIFIED TO TAKE ACKNOWLEDGMENTS UNDER  
 10 AS 09.63.010, (3) MUST USE THE FORMS AND DESIGNS DEVELOPED  
 11 UNDER AS 18.12.037, AND (4)] must provide a means by which the card holder may  
 12 cancel the gift or the living will. [IF THE DOCUMENT IS EXECUTED BY THE  
 13 APPLICANT, IT SHALL BE SEALED IN PLASTIC AND ATTACHED TO THE  
 14 IDENTIFICATION CARD.] A symbol developed under AS 18.12.037 indicating the  
 15 existence of the anatomical gift or living will document must be displayed in the lower  
 16 right-hand corner on the face of the identification card.

17           (b) An employee of the department who processes an identification card  
 18 application, other than an application received by mail, shall ask the applicant orally  
 19 whether the applicant wishes to execute an anatomical gift or a living will. The  
 20 department shall, by placement of posters and brochures in the office where the  
 21 application is taken, and by oral advice, if requested, make known to the applicant the  
 22 **method by which the cardholder may make an anatomical** [PROCEDURE  
 23 NECESSARY TO EXECUTE A] gift under AS 13.50 or a living will under AS 18.12.  
 24 **The department shall inform each applicant for an identification card in writing**  
 25 **that, if the applicant executes a gift under AS 13.50 or includes an anatomical gift**  
 26 **in a living will under AS 18.12 and if the gift is made with the registration, the**  
 27 **department will transmit the information on the identification card to a donor**  
 28 **registry created under AS 13.50.110. The department shall also direct the**  
 29 **applicant to notify a procurement organization under AS 13.50.140 if the**  
 30 **identification card is destroyed or mutilated or the gift is revoked under**  
 31 **AS 13.50.050. The department shall carry out the requirements of AS 13.50.100 -**

**13.50.190.**

\* **Sec. 5.** AS 28.10.021(c) is amended to read:

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

\* **Sec. 6.** AS 28.15.061(d) is amended to read:

(d) An employee of the department who processes a driver's license application, other than an application received by mail, shall ask the applicant orally whether the applicant wishes to execute an anatomical gift or a living will. The department shall make known to all applicants the procedure for executing a gift under AS 13.50 (Uniform Anatomical Gifts Act) or a living will under AS 18.12 (Living Wills and Do Not Resuscitate Orders) by displaying posters in the offices in which applications are taken, by providing a brochure or other written information to each person who applies in person or by mail, and, if requested, by providing oral advice. **The department shall inform each applicant in writing that, if the applicant executes a gift under AS 13.50 or includes an anatomical gift in a living will under AS 18.12 and if the gift is made with the driver's license application, the**

1 department will transmit the information on the license to a donor registry  
 2 created under AS 13.50.110. The department shall also direct the applicant to  
 3 notify a procurement organization under AS 13.50.140 if the license is destroyed  
 4 or mutilated or the gift is revoked under AS 13.50.050. The department shall  
 5 carry out the requirements of AS 13.50.100 - 13.50.190.

6 \* Sec. 7. AS 28.15.111(b) is amended to read:

7 (b) The department shall provide a method, at the time that an operator's  
 8 license is issued, [A FORM FOR A DOCUMENT] by which the owner of a license  
 9 may make an anatomical gift under AS 13.50 or a living will under AS 18.12. The  
 10 method [DOCUMENT (1) MAY NOT BE LARGER THAN AN OPERATOR'S  
 11 LICENSE, (2) MUST CONTAIN SUFFICIENT SPACE FOR THE SIGNATURE OF  
 12 TWO WITNESSES OR A PERSON WHO IS QUALIFIED TO TAKE  
 13 ACKNOWLEDGMENTS UNDER AS 09.63.010, (3) MUST USE THE FORMS  
 14 AND DESIGNS DEVELOPED UNDER AS 18.12.037, AND (4)] must provide a  
 15 means by which the owner may cancel the gift or the living will. [IF THE  
 16 DOCUMENT IS EXECUTED BY THE APPLICANT, IT SHALL BE SEALED IN  
 17 PLASTIC AND ATTACHED TO THE LICENSE.] A symbol developed under  
 18 AS 18.12.037 indicating the existence of the anatomical gift or living will document  
 19 must be displayed in the lower right-hand corner on the face of the driver's license.  
 20 The department shall inform each applicant in writing that, if the applicant  
 21 executes a gift under AS 13.50 or includes an anatomical gift in a living will  
 22 under AS 18.12 and if the gift is made with the license, the department will  
 23 transmit the information on the license to a donor registry created under  
 24 AS 13.50.110. The department shall also direct the applicant to notify  
 25 procurement organization under AS 13.50.140 if the license is destroyed or  
 26 mutilated or the gift is revoked under AS 13.50.050. The department shall carry  
 27 out the requirements of AS 13.50.100 - 13.50.190.