

CS FOR HOUSE BILL NO. 337(HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 2/9/04

Referred: Finance

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

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

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

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

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

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

21 (b) A procurement organization may not

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

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

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

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

29 **Sec. 13.50.130. Registry costs.** (a) A procurement organization that has
 30 requested registry information from the department shall pay the reasonable costs
 31 associated with the creation by the organization of a registry and the reasonable costs

1 associated with the initial installation and establishment of the facilities necessary for
2 electronic transfer of the donor information to the organization by the department.

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

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

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

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

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

24 (c) The department shall ask each applicant for a motor vehicle or
25 identification document whether the applicant is interested in making the donation
26 under (a) of this section.

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

30 **Sec. 13.50.160. Anatomical gift awareness fund.** (a) The anatomical gift
31 awareness fund is established. The fund consists of all donations made under

1 AS 13.50.150, other donations to the fund for a purpose identified under (b) of this
 2 section, money received by the department under AS 13.50.130, and appropriations
 3 made to the fund.

4 (b) The purposes of the fund are to promote gifts under AS 13.50.010 -
 5 13.50.090 and to administer the donation program established under AS 13.50.150.

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

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

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

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

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

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

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

17 (4) "motor vehicle or identification document" means

18 (A) a motor vehicle registration, a driver's license, or an
 19 instruction permit, or a renewal of the registration, license, or permit; or

20 (B) an identification card issued under AS 18.65.310;

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 for any portion of this state;

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" means a state, territory, or possession of the United States,
6 the District of Columbia, or the Commonwealth of Puerto Rico.

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

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

23 (b) An employee of the department who processes an identification card
24 application, other than an application received by mail, shall ask the applicant orally
25 whether the applicant wishes to execute an anatomical gift or a living will. The
26 department shall, by placement of posters and brochures in the office where the
27 application is taken, and by oral advice, if requested, make known to the applicant the
28 **method by which the cardholder may make an anatomical** [PROCEDURE
29 NECESSARY TO EXECUTE A] gift under AS 13.50 or a living will under AS 18.12.
30 **The department shall inform each applicant for an identification card in writing**
31 **that, if the applicant executes a gift under AS 13.50 or includes an anatomical gift**

1 in a living will under AS 18.12 and if the gift is made with the registration, the
 2 department will transmit the information on the identification card to a donor
 3 registry created under AS 13.50.110. The department shall also direct the
 4 applicant to notify a procurement organization under AS 13.50.140 if the
 5 identification card is destroyed or mutilated or the gift is revoked under
 6 AS 13.50.050. The department shall carry out the requirements of AS 13.50.100 -
 7 13.50.190.

8 * Sec. 5. 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 procurement organization under AS 13.50.140 if the registration is destroyed or
 24 mutilated or the gift is revoked under AS 13.50.050. The department shall carry
 25 out the requirements of AS 13.50.100 - 13.50.190.

26 * Sec. 6. 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 procurement organization under AS 13.50.140 if the license is destroyed**
 10 **or mutilated or the gift is revoked under AS 13.50.050. The department shall**
 11 **carry out the requirements of AS 13.50.100 - 13.50.190.**

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

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

1 **mutilated or the gift is revoked under AS 13.50.050. The department shall carry**
2 **out the requirements of AS 13.50.100 - 13.50.190.**