

HB

306

# State of Alaska

House Majority Leader

COMMITTEES

HOUSE HEALTH, EDUCATION  
AND SOCIAL SERVICES  
HOUSE JUDICIARY  
HOUSE RULES



Representative Max F. Gruenberg, Jr.  
District 11  
Spennard, Upper Midtown Anchorage

P.O. BOX V  
JUNEAU, ALASKA 99811  
(907) 465-3718  
465-4968/4986

914 CLAY COURT  
ANCHORAGE, ALASKA 99503  
(907) 276-6844

## M E M O R A N D U M

TO: Senator Jay M. Kerttula  
Chair  
Senate Judiciary Committee

FROM: Max F. Gruenberg, Jr. *MFG*

DATE: May 3, 1988

RE: SCSHB 306 (HESS), "An Act Relating to Anatomical Gifts."

I would very much appreciate it if you would schedule a hearing for SCSHB 306 (HESS) as soon as it is possible.

At the present time there are more recipients awaiting heart, liver and kidney transplants than there are organs available for transplants. SCSHB 306(HESS) will increase the availability of organs from Alaskan donors.

This bill amends the Uniform Anatomical Gift Act, AS 13.45.010-090. It makes needed changes to the Act similar to laws recently enacted in at least 19 other states.

The first major portion of the bill, found in Section 2, requires Alaskan hospitals to make organ donation requests under appropriate circumstances.

Section 2 also contains a provision which provides hospitals with immediate information about potential organ donors. This provision requires reporting from law enforcement and other emergency services who obtain donorship information about a fatality to which they respond.

The second major portion of the bill, found in Sections 7 - 9, requires that the Division of Motor Vehicles make oral

requests about organ donation when individuals register for driver's licenses, identification cards or to register their vehicles. If these transactions are made by mail, the Division will send information on organ donation with the application materials.

Representatives Grussendorf, Koponen, Martin, Boucher, Brown, Donley, Ellis, Hanley, Larson, Menard, Navarre, Pourchot, Springer, Sund, Taylor, Ulmer, Hudson, Phillips, Davis, and Zawacki have co-sponsored the bill.

I believe SCSHB 306 (HESS) has taken the best from recent developments in other state organ donor statutes and the recommendations of the Reagan Administration's Task Force on Organ Transplantation and tailored them to the particular needs and circumstances of Alaska.

When this bill is passed into law it will begin to save the lives of many Alaskans, who now await organ transplants.

Thank you very much.

Enclosure

SECTIONAL ANALYSIS OF SCSHB306 (HESS) AN ACT  
RELATING TO ANATOMICAL GIFTS

Prepared by Gruenberg

5/2/88

Section 1

Sec. 13.50.010 (a) Lowers the age at which a person can decide to become an organ donor from 19 to 18.

Section 2

Sec. 13.50.014 (a) Requires a hospital to make a request for anatomical gifts, in appropriate cases, when a person dies in the hospital.

Sec. 13.50.014 (b) Requires hospitals to develop procedures for identifying potential organ donors, making requests, and co-ordinating with organ banks.

Sec. 13.50.014 (c) Requires the Commissioner of Health and Social Services to exempt a hospital from the requirements of the act if the hospital lacks the resources to make suitable anatomical gifts available to organ banks.

Sec. 13.50.016 Requires law enforcement and medical personnel at a fatal accident scene to report that the victim is an organ donor, if they have knowledge of that fact, to the appropriate hospital personnel.

Section 3

Sec. 13.50.060 (a) Provides that the estate of an organ donor is not liable for costs associated with the retrieval, storage or transportation of an anatomical gift.

Section 4

AS.13.50.060 (c) Immunizes those that act in good faith in accordance with the Anatomical Gift Act of Alaska or the Anatomical Gift Act of another state or country from civil or criminal liability.

### Section 5

Sec. 13.50.065 Provides that the Commissioner of Health and Social Services shall adopt regulations for the implementation of the act and for the training of hospital employees who make anatomical gift requests.

### Section 6

Section 13.50.070 (8) Adds the definition of "gift" to the Anatomical Gift Act.

### Section 7, 8, and 9

Sec. 18.65.3111, 28.10.021 and 28.15.061. (d) Requires that the Division of Motor Vehicles orally ask persons applying for identification cards, drivers licenses and vehicle registration, whether they would like to become organ donors. If applications are made by mail, the Division will provide written information with the application or registration material.