

HB

337

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
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MEMORANDUM

February 6, 2004

SUBJECT: Draft CSHB 337(HES) (Work Order No. 23-LS1257V)

TO: Representative Peggy Wilson
Chair of House Health, Education and Social Services Committee
Attn: Linda

FROM: *TLB*
Theresa L. Bannister
Legislative Counsel

This memo accompanies a draft of the bill described above.

Correction needed. In the process of drafting this bill, it was discovered that a significant correction was needed. This is not connected with the changes you requested, but carries through an error made in an earlier version.

In bill sec. 3, sec. 13.50.100(a), on page 2, line 3, the "cr" should be deleted after "registry" and a comma inserted. In HB 337, sec. 13.50.100(a) read: "Except for information on a motor vehicle document issued to a donor who declines to participate in a registry, when a donor to whom a motor vehicle document was issued dies, or when a person who applies for a motor vehicle document makes a gift with the application,...." The changes should have been made when I originally removed the clause, "when a donor to whom a motor vehicle document was issued dies," from the bill.

These changes are essential to the basic operation of the bill. As the bill stands now, it can be read to exempt persons who make anatomical gifts from having their information sent to the registry. This is inconsistent with the basic intent of the bill and does not make sense.

I recommend allowing us to make these changes for this bill. However, if this is not possible, please forward this memo along to the next committee of referral so that committee can consider the changes.

If I may be of further assistance, please advise.

TLB:med
04-147.med

Enclosure

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:

Referred:

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 mo. or 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 or 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 c 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.

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Representative Lesil McGuire
Chair, Judiciary Committee

HB 337

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

SPONSOR STATEMENT

Currently there are nearly 84,000 men, women and children waiting for organ transplants nationwide, of which 85 are Alaskans. In addition, many more of your fellow Alaskans are currently waiting for tissue (bone, tendon, skin, heart valve, cornea) donations. While 66 people receive organ transplants in the U.S. every day, another 17 people on the waiting list will die because not enough organs are available.

Alaskans have always been known for their generosity and caring for their neighbors and the Uniform Anatomical Gift Act continues this long tradition. This legislation creates a donor registry program in which a donor's License/ID information can be transferred to Life Alaska Donor Services, the state's organ & tissue donor program. Should the donor not want to have their information transferred to the donation program, the donor can choose not to participate. Also the donor can opt out of the program at any time and their information will be removed from the registry.

Currently, the licensee's donor status is only located as a printed statement on the physical ID and not within the DMV database. This lack of a registry creates a problem for donation in a timely fashion. The DMV currently keeps no records of the Licensee's status; therefore the donation program may not realize the donor's wishes or may realize the donor's wishes too late for the donation to be medically acceptable.

With this legislation, the donor's status and other information will be available to Life Alaska Donor Services so that the donor's gift may be realized with or without the donor having their License/State ID card at the time of death. This will also allow Life Alaska to quickly ascertain the donor status of the Licensee and match the donor's gift with a suitable recipient.

In addition to the creation of the registry, HB 337 will create a monetary donation program in which a motor vehicle applicant may donate \$1 or more to the Organ & Tissue Donation Awareness Fund. The purpose of the fund is to promote organ & tissue donation and to administer the Organ & Tissue Donation Awareness Fund. Although the donation is voluntary the Department of Motor Vehicles will make information on the importance of organ donation available to all applicants.

Similar bills have already been passed in Washington and Montana in 2003 with great success. Please support this bill, so that Life Alaska Donor Services will have quick and efficient access to information that will ultimately save the life of you or a loved one.

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MEMORANDUM

January 27, 2004

SUBJECT: Proposed amendment to version "S" of CSHB 337(STA)
(Work Order No. 23-LS1257\S)

TO: Representative Lesil McGuire
Attn: Heath
JB

FROM: Theresa L. Bannister
Legislative Counsel

This memo responds to a question you have asked regarding the bill described above, as that bill is amended to delete the requirement that the anatomical gift registry be composed only of residents of the state. You have asked whether there is a state requirement that the registry be composed only of residents. This is asked in the context of the Department of Administration being required by AS 13.50.100 to transmit the motor vehicle document information of donors to the registry. Under this requirement the Department would be required to transmit the information on persons who applied for, e.g., drivers' licenses, to a registry even if they were not residents.

Although AS 01.10.055 provides a general definition of "residency" for the statutes,¹ there does not appear to be a constitutional or statutory requirement that the registry

¹AS 01.10.055 reads as follows:

Sec. 01.10.055. Residency. (a) A person establishes residency in the state by being physically present in the state with the intent to remain in the state indefinitely and to make a home in the state.

(b) A person demonstrates the intent required under (a) of this section

(1) by maintaining a principal place of abode in the state for at least 30 days or for a longer period if a longer period is required by law or regulation; and

(2) by providing other proof of intent as may be required by law or regulation, which may include proof that the person is not claiming residency outside the state or obtaining benefits under a claim of residency outside the state.

(c) A person who establishes residency in the state remains a resident during an absence from the state unless during the absence the person establishes or claims residency in another state, territory, or country, or performs other acts or is absent under circumstances that are

Representative Lesil McGuire

January 27, 2004

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consist only of residents. Under the only state constitutional provision that seems applicable to this inquiry, sec. 6, art. IX of the state constitution, that provision does not speak to whether the appropriation is for residents, but requires that appropriations be made for a "public purpose." Here that provision would apply to the extent appropriations are made to enable the department to participate in transferring the information to a registry. The clear public purpose of facilitating anatomical gifts would only be enhanced if other persons connected with the state, e.g., non-resident persons obtaining driver's licenses in the state, were included in the registry. With regard to the state's statutes, I am not aware of another state statute that would require that the registry be limited to residents, so the amended bill can stand by itself in that regard.

If I may be of further assistance, please advise.

TLB:med

04-090.med

inconsistent with the intent required under (a) of this section to remain a resident of this state.

Alaska State Legislature

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Representative Lesil McGuire
Chair, Judiciary Committee

MEMORANDUM

To: Terri Bannister – Legal Drafting
Cc:
From: Heath E. Hilyard – Rep. McGuire's Office
Date: January 16, 2004
Re: Changes to HB 337 (WO 23-LS1257A)

Per our discussions I have the following changes that need to be incorporate into the latest version of the bill.

- 1) Pg. 2, Line 2 – When a donor to whom a motor vehicle document was issued [DIES]. According to the Department of Motor Vehicles and Life Alaska there is no way to effectuate this in a timely fashion to allow for organ harvesting. Department of Motor Vehicles does perform an annual data purge as a result of information received from the Bureau of Vital Statistics.
- 2) As a point of clarification, other offices have inquired about the phrasing of Sec. 13.50.110 (2)(b) (Pg. 2, Lines 21-23). Can "only" be substituted for "all"?
- 3) Is there a way to strengthen privacy guarantees provided for 13.50.110 (2)(c)? Rep. McGuire suggested the possibility of including a misdemeanor penalty for a violation of that section.
- 4) With respect to your question about the inclusion of AS 18.65.311(a), the following deletions need to be made for DMV.

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

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MEMORANDUM

January 14, 2004

SUBJECT: Sectional summary of HB 337, a bill relating to anatomical gifts and living wills (Work Order No. 23-LS1257D)

TO: Representative Lesil McGuire
Attn: Ryan

FROM: *JB*
Theresa L. Bannister
Legislative Counsel

You have requested a sectional summary of the above-described bill. As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill, and the bill itself is the best statement of its contents.

Section 1. Makes conforming and technical amendments.

Section 2. Makes a conforming amendment.

Section 3. Adds a new article covering an anatomical donor registry program to AS 13.50.

Sec. 13.50.100. When a motor vehicle document applicant makes an anatomical gift or a motorvehicle document holder dies, requires the department to transfer all information from the front of the motor vehicle document and subsequent changes to a state procurement organization that intends to establish a donor registry, unless the person does not want to participate in a registry.

Sec. 13.50.110. Directs a state procurement organization that obtains information under AS 13.50.100 to use the information to establish a statewide donor registry accessible by certain identified organizations. Requires a registry to include all residents of this state. Prohibits a state procurement organization from using registry information for fund raising and from disseminating the information unless authorized by this section or federal law. Indicates to whom a state procurement organization may disseminate the information.

Sec. 13.50.120. Allows a state procurement organization to acquire donor information from sources other than the department.

Sec. 13.50.130. Requires a state procurement organization that has requested registry information from the department to pay the reasonable costs associated with the creation of a registry and certain other initial costs. After the initial department transfer of information, directs the department to make information transfers without charge to the organization.

Representative Lesil McGuire
January 14, 2004
Page 2

Sec. 13.50.140. Directs a donor to notify a state procurement organization of the destruction or mutilation of the motorvehicle document or revocation of the gift to remove the donor's name from a registry.

Sec. 13.50.150. Establishes a monetary donation program. Allows an applicant for a motor vehicle document to make a donation to a fund to promote anatomical gifts. Directs the department to make available information on the importance of making anatomical gifts. Directs the department to collect the donations and credit them to the fund and to transfer the donations to the fund at least quarterly. Directs the department to ask motor vehicle document applicants whether they are interested in making donations. Requires each state procurement organization to pay certain described costs associated with the creation of the donation program.

Sec. 13.50.160. Establishes the anatomical gift awareness fund consisting of donations to the fund, money received by the department under AS 13.50.130, and appropriations to the fund. Describes the purposes of the fund. Requires that donations be segregated within the fund until appropriated for fund use. Allows money appropriated to or for use by the fund to be spent for fund purposes without further appropriation.

Sec. 13.50.190. Defines terms for the new article.

Section 4. Amends a section dealing with motor vehicle registrations to require the department to inform applicants that, if the applicant executes an anatomical gift with the application, the department will transmit the information to a donor registry. Requires the department to direct the applicant to notify a state procurement organization if the document is destroyed or mutilated or the gift is revoked. Directs the department to carry out the requirements of the new article.

Section 5. Amends a section dealing with drivers' license applications to require the department to inform applicants that, if the applicant executes an anatomical gift with the application, the department will transmit the information to a donor registry. Requires the department to direct the applicant to notify a state procurement organization if the document is destroyed or mutilated or the gift is revoked. Directs the department to carry out the requirements of the new article.

Section 6. Amends a section dealing with drivers' licenses to require the department to inform applicants that, if the applicant executes an anatomical gift with the license, the department will transmit the information to a donor registry. Requires the department to direct the applicant to notify a state procurement organization if the document is destroyed or mutilated or the gift is revoked. Directs the department to carry out the requirements of the new article.

If I may be of further assistance, please advise.

TLB:mdr
04-013.mdr

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MEMORANDUM

December 23, 2003

SUBJECT: Bill relating to anatomical donor registry
(Work Order No. 23-LS1257U)

TO: Representative Lesil McGuire
Attn: Heath

FROM: *TB*
Theresa L. Bannister
Legislative Counsel

This memo provides additional information for the bill described above.

1. Fund language. Please review proposed sec. 13.50.160. Among the changes is new language (see (d)) to prevent a sweep by the Budget Reserve Fund of money appropriated to the Anatomical Gift Awareness Fund. Without this new language, any money (except for donated money) is subject to being "swept" into the Budget Reserve Fund at the end of each fiscal year (art. IX, sec. 17(d)). Money received by the department under AS 13.50.130 will not be protected unless it is appropriated to the fund by June 30 of the fiscal year in which it is received.

2. Number of registries. I realize that, as a practical matter, you do not foresee more than one registry being established. However, this draft does not limit the number of registries allowed. If you want to actually limit the legislation to one registry, this draft needs to be changed..

If I may be of further assistance, please advise.

TLB:mdr
03-237.mdr

January 20, 2004



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Representative Peggy Wilson
State Capitol Room 104
Juneau, AK 99801

Dear Representative Wilson,

LifeCenter Northwest recognizes the right of every individual to determine the disposition of his organs and tissues upon his death. House Bill 337 is about honoring an individual's legally documented intent to donate organs. I hope you will help drive this legislation forward.

As individuals make decisions about organ donation, it is important to assure them that their decisions will be upheld. House Bill 337 will create a registry to be responsible to the thousands of Alaska residents who have already made the decision to be organ and tissue donors, by marking "organ donor" on their driver's licenses or signing donor commitment cards.

Successful passage will bring Alaska up to speed with 31 other states that have already implemented formal organ and tissue donation registry systems in the last two years, and make Alaska's law consistent with the existing Alaska Uniform Anatomical Gift Act and the federal Anatomical Gift Act.

An organ and tissue donation registry in the state of Alaska will provide access to the wishes of the deceased. This information will be accessed only by certified procurement organizations and will be kept confidential and protected. Information will not be sold or shared. Registry information is for the express purpose of determining a deceased individual's wishes regarding organ and tissue donation.

Voting in favor of House Bill 337 will save lives. On behalf of our donor families and the patients waiting for life-saving transplants in Alaska, we thank you for your recognition of the importance of this legislation and your support.

Sincerely,

A handwritten signature in cursive script that reads "Jill Steinhaus".

Jill Steinhaus
Director of Development

C: Representative L. McGuire
B. Zalneraitis
D. Bannock

Enclosure

Alaska

Montana

Northern Idaho

Washington

ORGAN DONOR NETWORK



First Person Consent / Organ and Tissue Donation Registry

Presented By:

LifeCenter Northwest - The Organ Donation Network

Life Alaska and LifeCenter Northwest, in collaboration with Alaska State legislators, would like to pass legislation that would call for the development and on-going use of an organ and tissue donor registration system. This system would ensure every individual's decision about organ and tissue donation would be accessible to a designated procurement organization for the purposes of providing consent for donation at the time of death.

Background Information

It is believed that every individual shall have the right to make known his/her wishes regarding organ and tissue donation and to have those wishes carried out at the time of death. First person consent processes ensure this occurs.

What is First Person Consent?

First person consent is the act of utilizing a document provided by the deceased as consent for the donation of organs and tissues. This document may be a driver's license, donor card or indication in an Organ Procurement Organization (OPO) approved donor registry.

Other OPOS are Participating

Currently 31 states are actively involved in first person consent, with 25 OPOs implementing formal organ and tissue donor registry systems in the last two years.

Why is First Person Consent Important?

The public think there is a "registration" system for donation already and therefore are confused when we advocate for family discussion and consent.

In a March 2002 survey conducted for LifeCenter Northwest by Robinson Research in Spokane, WA, when asked the question "To the best of your knowledge, does marking "organ donor" on your driver's license register you to be an organ donor in the event of your death?" 74% of respondents answered yes, an additional 11% were uncertain.

It is the law.

The pursuit of first person consent processes are in accordance with current Washington, Montana, Idaho and Alaska state donation statutes. This is consistent with the federal Anatomical Gift Act and the intent of such legislation from the onset.

Why Hasn't the Law Been Upheld Until Now?

State statutes regarding organ and tissue donation were originally developed with language, which supported the individual's choice to make a decision and have that decision carried out at the time of death. Recognizing the potential for public relations issues if the family of the deceased was not supportive of the wish to donate, OPOs moved toward seeking family consent, regardless of the donor's designation.

The Organ and Tissue Donation Registry

In order to acknowledge every individual's decision (donor designation), a central collection system, which will provide certified procurement organization's access to confirm the wishes of the deceased, is necessary.

There is a Need for an Organ and Tissue Donation Registry

- 17 people die each day waiting for a life-saving organ transplant.
- Locally approximately 1,100 people are listed for an organ transplant.
- More than 80,000 people are on the National Transplant Waiting List.

Privacy

All information in the Organ and Tissue Donation Registry will be kept confidential and protected. Information will not be sold or shared. Registry information is for the express purposes of determining a deceased individual's wishes regarding organ and tissue donation.

Can a Person Change Their Mind or Be Selective of Donation Options?

Through a confidential process individuals will be able to change their mind or specify which organs and/or tissues they consent to donate.

Donate a Dollar

By offering a voluntary dollar or more contribution at the time of an individual's vehicle registration renewal, certified procurement organizations will offset the costs of the donor registry and provide for increased community education programs.

For more information about organ donation or the Organ and Tissue Donation Registry contact Jill Steinhaus, Director of Development and the Living Legacy Foundation at LifeCenter Northwest. 425.201 6591 or via email at jills@lcnw.org.

- end -



P.O. Box 231809
Anchorage, AK 99523-1809
907.562.5433 • 800.719.5433
Fax: 907.562.5333
www.lifealaska.org

January 19, 2004

Rep. Lesil McGuire
State Capitol, Rm. 118
Juneau, AK 99801

Dear Ms. McGuire:

Thank you for drafting and introducing the proposed legislation allowing for electronic downloading of organ and tissue donors' information to Life Alaska's Donor Gift Registry database, and for creation of the Anatomical Gift Awareness Fund.

Life Alaska Donor Services strongly supports this proposed legislation, and appreciates your support in our ongoing mission to populate the Donor Gift Registry and increase the number of organs and tissues made available for transplantation to save and enhance lives. Families of donors feel most strongly about the decision to donate when they know the wished of their loved ones.

Currently in Alaska we have a voluntary donor registry maintained by Life Alaska. To register as a donor the candidate must complete a donor registration form and that form is mailed to Life Alaska by the donor or by the DMV staff when the form is filled out at a DMV office. Life Alaska staff will then hand-enter information into a database of registrations.

This legislation will streamline donor registration, facilitate rapid entry of the potential donor's name into our Donor Gift Registry database, make identification of donors faster and easier, and will allow Life Alaska to recover more organs and tissues. In addition, Life Alaska Donor Awareness Fund will allow us to continue to expand our outreach to Alaska communities. All of these activities directly save lives.

As you know, similar laws have been passed in WA and MT in 2003, with a subsequent increase in registered organ and tissue donors in both states that now exceed 3,201,000 registrations for WA & MT! We happily anticipate a similar result in Alaska when this legislation is passed.

Warm regards,

Bruce Zalneraitis

Bruce Zalneraitis
Executive Director



MADD

Activism | Victim Services | Education™

Anchorage Chapter
4105 Turnagain Boulevard, Suite A • Anchorage, AK 99517
(907) 562-6890/Fax (907) 562-6896
Email: info@maddalaska.com
Visit our Web Site: www.maddalaska.com

Our Mission is to stop drunk driving, support the victims of this violent crime and prevent underage drinking

July 23, 2003

Bruce Zalneraitis
Life Alaska Transplant
PO Box 231809
Anchorage, AK 99523-1809

Dear Mr. Zalneraitil,

I am writing in support of the efforts of Life Alaska to implement a Single Donor Registration and automatic donor registration download through the Division of Motor Vehicle as a means of streamlining Tissue and Organ registration in Alaska.

On behalf of MADD in Anchorage, we support the introduction of legislation that will make this project a reality.

If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

Marti Greeson
Executive Director
MADD Anchorage Chapter

Drunk Driving is Breaking Alaska's



Life Alaska
Tissue and Organ Donation
P.O. Box 231809
Anchorage, AK 99523-1809
1-907-562-5433 • 1-800-719-5433
Fax 1-907-562-5333



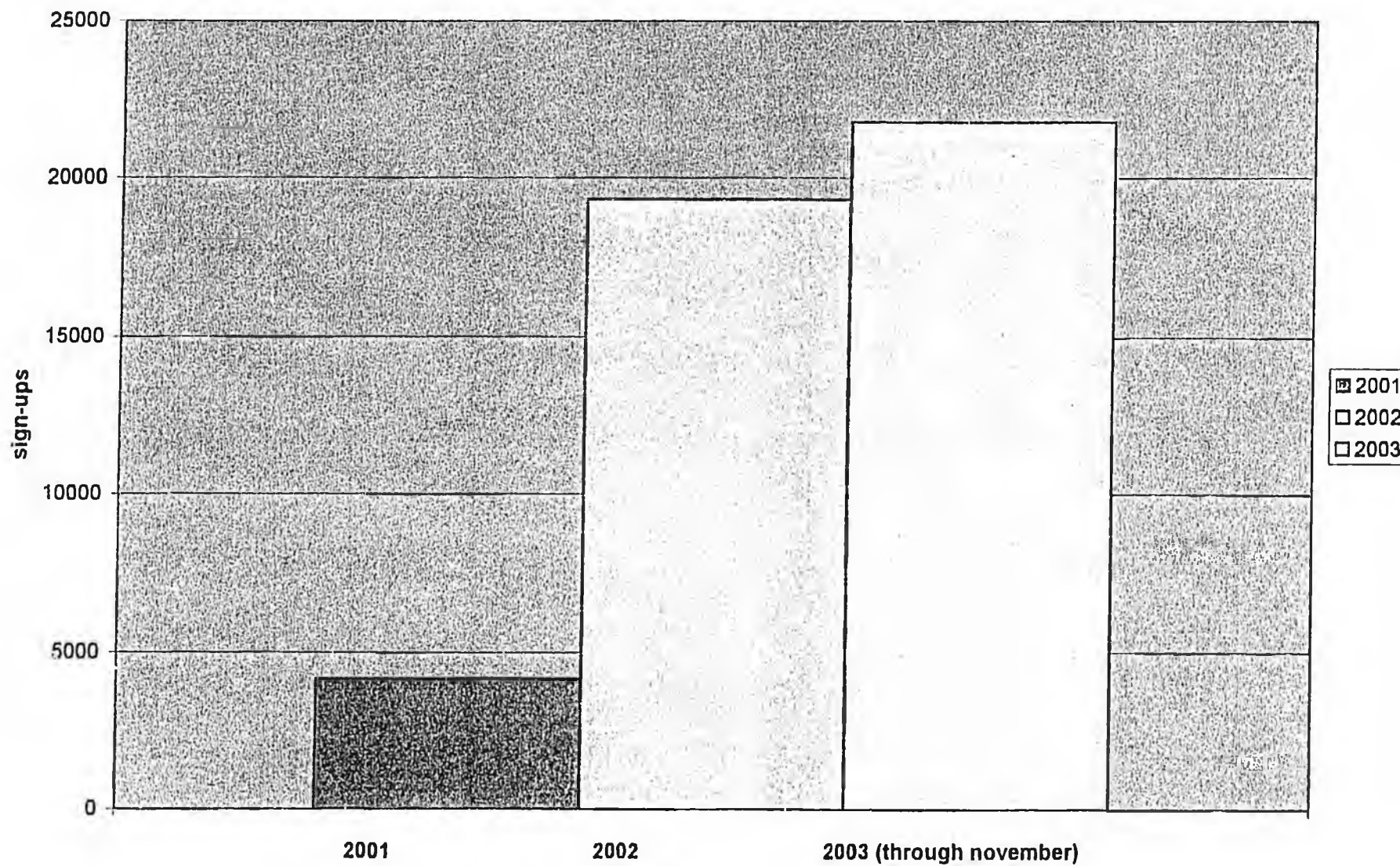
DMV Donor Gift Registry Statistics Graphs

Registry sign-ups forwarded to Life Alaska Donor Services by various DMV offices across the state are tracked on a daily basis. Numbers of new Registrants, by DMV office location, are tallied and forwarded to the DMV Director on the last day of each month.

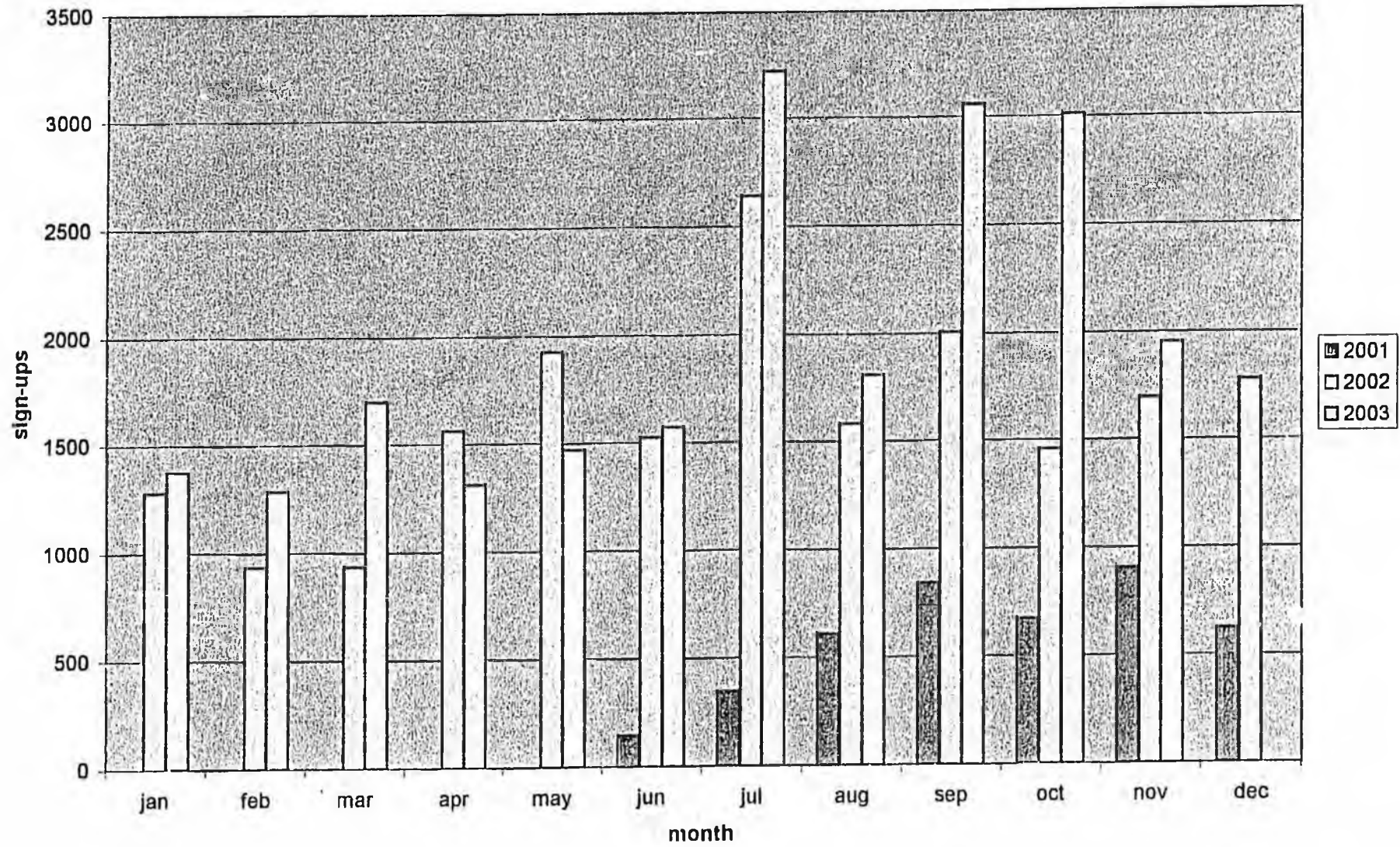
The Registry was created in August of 2001. For each subsequent year, the number of new Registrants has increased.

The DMV is a strong and valuable partner for Life Alaska; over 90% of the 50,000+ Registrants in the Donor Gift Registry came to Life Alaska via the DMV program.

registry sign-ups by year



sign-ups by month




[Become A Donor](#)
[Get The Facts](#)
[Our Services](#)
[News & Events](#)
[About Us](#)
[Get The Facts](#)
[Real Life Stories](#)
[Freq. Asked Questions](#)
[Types Of Donations](#)
[Common Myths](#)
[Religious Beliefs](#)
[Facts & Statistics](#)
[Resources & Links](#)

Myths About Organ Donation

Some people have opted not to be an organ donor based on urban legends and other myths. We understand that you might have concerns about donation but want to be sure your decision about organ donation is based on the facts. Test yourself with the questions below – how well do you know the facts about organ donation?

- If I'm admitted into the hospital and the doctors know I want to be a donor, they won't try and save my life.
- I carry a donor card and it is in my will that I want to be a donor, so I don't have to tell my family about my wishes.
- I have heard about people who steal kidneys and sell them on the black market.
- Rich and famous people are moved to the top of the waiting list and regular people have to wait even longer.
- Donation will be costly to my family.
- My religion doesn't allow organ and tissue donation.
- I can't be a donor because I want an open casket funeral.
- No one will want my organs because of my medical history. Besides I'm too old to be a donor.
- They might take my organs before I am really dead.

"If I'm admitted into the hospital and the doctors know I want to be a donor, they won't try and save my life."

There is no conflict between saving lives and using organs for transplantation. Medical professionals will do everything they can to save your life. The doctors who work to save your life are not the same doctors involved with organ donation. It is only after every attempt has been made to save your life that donation will be considered.

"I carry a donor card and it is in my will that I want to be a donor, so I don't have to tell my family about my wishes."

Designating your wishes on your driver's license or signing a donor card ensures that you'll be considered as a donor. By the time your will is read, it will be too late to recover your organs. Telling your family now that you want to be an organ and tissue donor is the best way to ensure that your wishes are carried out.

"I have heard about people who steal kidneys and sell them on the black market."

There is no evidence of such activity ever occurring in the United States or any other industrialized country. While this tale may sound credible, it has no basis in the reality of organ transplantation. According to the Uniform Anatomical Gift Act of 1984, it is illegal to buy or sell human

organs. Violators are subject to fines and imprisonment. In addition, a national governing body reviews every organ donation and transplant. Strict regulations prevent any type of "black market" existence in the United States.

"Rich and famous people are moved to the top of the waiting list and regular people have to wait even longer."

The organ allocation and distribution system is blind to wealth or social status. The length of time it takes to receive a transplant is influenced by a variety of factors including location, severity of illness, physical characteristics (blood type, weight, genetic typing, and size) and length of time on the waiting list. Factors such as race, gender, age, income or celebrity status are never considered when determining who receives an organ.

"Donation will be costly to my family."

There is no cost to the donor's family for organ and tissue donation. Hospital expenses incurred before the donation of organs in attempts to save the donor's life and funeral expenses remain the responsibility of the donor's family. All costs related to donation are paid for by the organ procurement agency.

"My religion doesn't allow organ and tissue donation."

Most religions throughout the world support organ and tissue donation as a humanitarian act of giving. Transplantation is consistent with the life preserving traditions of these faiths. You are encouraged to discuss donation with your religious or spiritual leader.

"I can't be a donor because I want an open casket funeral."

The body is treated with a great deal of respect and dignity. The recovery of organs and tissues is conducted under standard, sterile conditions in an operating room by qualified surgeons. The process neither disfigures the body, nor changes the way it looks in a casket. No one, except the family members involved in the decision, will know about the donation.

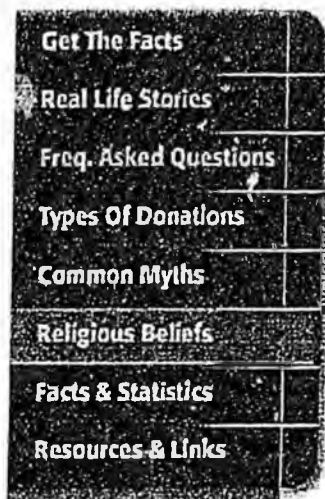
"No one will want my organs because of my medical history. Besides I'm too old to be a donor."

At the time of death, the appropriate medical professionals will review your medical and social history to determine if you are a candidate for donation. Anyone, regardless of age, can be considered for organ donation. With recent advances in transplantation, more people than ever before can donate.

"They might take my organs before I am really dead."

Organ donation is only accepted following the declaration of death by a doctor not involved in transplantation. In order to donate organs, a patient must be declared brain dead. Brain death is the determination of legal death. It is the complete and irreversible loss of all brain function, including the brain stem. Using specific medical criteria, a physician can confirm brain death beyond any doubt.

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Religious Beliefs About Organ Donation

Most major religions support organ donation as a humanitarian gift giving life. If you have questions about donation we encourage you to talk with the leader of your religious community.

- [AME & AME Zion](#)
- [Amish](#)
- [Assembly of God](#)
- [Baptist](#)
- [Brethren](#)
- [Buddhism](#)
- [Catholicism](#)
- [Christian Church \(Disciples of Christ\)](#)
- [Christian Science](#)
- [Church of the Nazarene](#)
- [Episcopal](#)
- [Greek Orthodox](#)
- [Gypsies](#)
- [Hinduism](#)
- [Independent Conservative Evangelical](#)
- [Islam](#)
- [Jehovah's Witness](#)
- [Judaism](#)
- [Lutheran Church of America](#)
- [Mennonite](#)
- [Moravian](#)
- [Mormon \(Church of Jesus Christ of Latter-Day Saints\)](#)
- [Pentecostal](#)
- [Presbyterian](#)
- [Protestant](#)
- [Seventh-Day Adventist](#)
- [Shinto](#)
- [Society of Friends \(Quakers\)](#)
- [Unitarian Universalist](#)
- [United Church of Christ](#)
- [United Methodist](#)

AME & AME Zion

(African Methodist Episcopal) Organ and tissue donation is viewed as an act of neighborly love and charity by these denominations. They encourage all members to support donation as a way of helping others.

Amish

The Amish will consent to transplantation if they believe it is for the well being of the transplant recipient. John Hostetler, world-renowned authority on Amish religion and professor of anthropology at Temple University in Philadelphia, says in his book, *Amish Society*, "The Amish believe that since God created the human body, it is God who heals. However, nothing in the Amish understanding of the Bible forbids them from using modern medical services, including surgery, hospitalization, dental work, anesthesia, blood transfusions or immunization."

Assembly of God

The Church has no official policy regarding organ and tissue donation. The decision to donate is left up to the individual. Donation is highly supported by the denomination.

Baptist

Organ and tissue donation is supported as an act of charity. The Baptist Church leaves the decision up to the individual. The nation's largest Protestant denomination, the Southern Baptist Convention, adopted a resolution in 1988 encouraging physicians to request organ donation in appropriate circumstances and to "...encourage voluntarism regarding organ donation in the spirit of stewardship, compassion for the needs of others and alleviating suffering."

Brethren

While no official position has been taken by the Brethren denominations, according to Pastor Mike Smith, there is a consensus among the National Fellowship of Grace Brethren that organ and tissue donation is a charitable act so long as it does not impede the life or hasten the death of the donor or does not come from an unborn child.

Buddhism

Buddhists believe organ and tissue donation is a matter of individual conscience and place a high value on acts of compassion. Reverend Gyomay Masao, president and founder of the Buddhist Temple of Chicago says, "We honor those people who donate their bodies and organs to the advancement of medical science and to saving lives." The importance of letting loved ones know your wishes is stressed.

Catholicism

Catholics view organ and tissue donation as an act of charity and love. Transplants are morally and ethically acceptable to the Vatican. According to Father Leroy Wickowski, Director of the Office of Health Affairs of the Archdiocese of Chicago, "We encourage donation as an act of charity. It is something good that can result from tragedy and a way for families to find comfort by helping others." Pope John Paul II has stated, "The Catholic Church would promote the fact that there is a need for organ donors and Christians should accept this as a "challenge to their generosity and fraternal love" so long as ethical principles are followed."

Christian Church (Disciples of Christ)

The Christian Church encourages organ and tissue donation, stating that we were created for God's glory and for sharing God's love. A 1985 resolution, adopted by the General Assembly, encourages, "... members of the Christian Church (Disciples of Christ) to enroll as organ donors and prayerfully support those who have received an organ transplant."

Christian Science

The Church of Christian Science does not have a specific position regarding organ donation. According to the First Church of Christ Scientist in Boston, Christian Scientists normally rely on spiritual instead of medical means of healing. They are free, however, to choose whatever form of medical treatment they desire - including a transplant. The question of organ and tissue donation is an individual decision.

The Church of the Nazarene

The Church of the Nazarene encourages its members who do not object personally to support donor/recipient anatomical organs through living wills and trusts. Further, they appeal for a morally and ethically fair

distribution of organs to those qualified to receive them (Manual, Church of the Nazarene 1997 - 2001 paragraph 904.2).

Episcopal

The Episcopal Church passed a resolution in 1982 that recognizes the life-giving benefits of organ, blood and tissue donation. All Christians are encouraged to become organ, blood and tissue donors "...as part of their ministry to others in the name of Christ, who gave His life, that we may have life in its fullness."

Greek Orthodox

According to Reverend Dr. Milton Efthimiou, Director of the Department of Church and Society for the Greek Orthodox Church of North and South America, the Greek Orthodox Church is not opposed to organ donation as long as the organs and tissue in question are used to better human life, i.e., for transplantation or for research that will lead to improvements in the treatment and prevention of disease.

Gypsies

Gypsies are a people of different ethnic groups without a formalized religion. They share common folk beliefs and tend to oppose organ donation. Their opposition is connected with their beliefs about the afterlife. Traditional belief contends that for one year after death the soul retraces its steps. Thus, the body must remain intact because the soul maintains its physical shape.

Hinduism

According to the Hindu Temple Society of North America, religious law does not prohibit Hindus from donating their organs. This act is an individual's decision. H.L. Trivedi, in Transplantation Proceedings, stated that, "Hindu mythology has stories in which the parts of the human body are used for the benefit of other humans and society. There is nothing in the Hindu religion indicating that parts of humans, dead or alive, cannot be used to alleviate the suffering of other humans."

Independent Conservative Evangelical

Generally, Evangelicals have no opposition to organ and tissue donation. Each church is autonomous and leaves the decision to donate up to the individual.

Islam

The religion of Islam strongly believes in the principle of saving human lives. According to A. Sachedina in his Transplantation Proceedings (1990) article, Islamic Views on Organ Transplantation, "...the majority of the Muslim scholars belonging to various schools of Islamic law have invoked the principle of the priority of saving human life and have permitted the organ transplant as a necessity to procure that noble end."

Jehovah's Witness

According to the Watch Tower Society, Jehovah's Witnesses believe donation is a matter of individual decision. Jehovah's Witnesses are often assumed to be against donation because of their opposition to blood transfusions. However, this merely means that all blood must be removed from the organs and tissue before being transplanted

Judaism

All four branches of Judaism (Orthodox, Conservative, Reform and Reconstructionist) support and encourage donation. According to Orthodox Rabbi Moses Tendler, Chairman of the Biology Department of Yeshiva University in New York City and Chairman of the Bioethics Commission of the Rabbinical Council of America, "If one is in the position to donate an organ to save another's life, it's obligatory to do so, even if the donor never knows who the beneficiary will be. The basic principle of Jewish ethics, 'the infinite worth of the human being,' also includes donation of corneas, since eyesight restoration is considered a lifesaving operation." In 1991, the Rabbinical Council of America (Orthodox) approved organ donation as permissible, and even required, from brain-dead patients. The Reform movement looks upon the transplant program favorably, and Rabbi Richard Address, Director of the Union of America Hebrew Congregation Bio-Ethics Committee and Committee on Older Adults, states that "Judaic Responsa materials provide a positive approach, and by and large the North American Reform Jewish community approves of transplantation."

The Lutheran Church of America

Lutherans passed a resolution in 1984 stating that donation contributes to the well being of humanity and can be "an expression of sacrificial love for a neighbor in need." They call on "members to consider donating... and to make any necessary family and legal arrangements, including the use of a signed donor card."

Mennonite

Mennonites have no formal position on donation, but are not opposed to it. They believe the decision to donate is up to the individual and/or his or her family.

Moravian

The Moravian Church has made no statement addressing organ and tissue donation or transplantation. Robert E. Sawyer, President, Provincial Elders Conference, Moravian Church of America, Southern Province, states, "There is nothing in our doctrine or policy that would prevent a Moravian pastor from assisting a family in making a decision to donate or not to donate an organ." It is, therefore, a matter of individual choice.

Mormon (Church of Jesus Christ of Latter-Day Saints)

The Church of Jesus Christ of Latter-Day Saints believes the decision to donate is an individual one made in conjunction with family, medical personnel and prayer. Jerry Cahill, Director of Public Affairs for the Mormon Church, says, "Mormons must individually weigh the advantages and disadvantages of transplantation and choose the one that will bring them peace and comfort. The Church does not interpose any objection to an individual decision in favor of organ and tissue donation."

Pentecostal

Pentecostals believe that the decision to donate should be left up to the individual.

Presbyterian

Presbyterians encourage and support donation. They respect a person's right to make decisions regarding his or her own body.

Protestant

Protestants encourage and endorse organ donation. The Protestant faiths respect an individual's conscience and a person's right to make decisions regarding his or her own body. Reverend James W. Rassbach, Lutheran Board of Communication Services, Missouri-Synod, says "We accept and believe that our Lord Jesus Christ came to give life and give it in abundance. Organ donations enable more abundant life, alleviate pain and suffering and are an expression of love in times of tragedy."

Seventh-Day Adventist

Donation and transplantation are strongly encouraged. They have many transplant hospitals, including Lorna Linda in California, which specializes in pediatric heart transplants.

Shinto

In Shinto, the dead body is considered to be impure and dangerous, and thus quite powerful. "In old belief context, injuring a dead body is a serious crime..." according to E. Namihira in his article, Shinto Concept Concerning the Dead Human Body. "To this day it is difficult to obtain consent from bereaved families for organ donation or dissection for medical education or pathological anatomy... the Japanese regard them all in the sense of injuring a dead body." Families are often concerned that they not injure the itai, the relationship between the dead person and the bereaved people.

Society of Friends (Quakers)

Organ and tissue donation is widely believed to be an individual decision. The Society of Friends does not have an official position on donation.

Unitarian Universalist

Organ and tissue donation is widely supported by Unitarian Universalists. They view it as an act of love and selfless giving.

United Church of Christ

Reverend Jay Lintner, Director, Washington Office of the United Church of Christ Office for Church in Society, states, "United Church of Christ people, churches and agencies are extremely and overwhelmingly supportive of organ sharing. The General Synod has never spoken to this issue because, in general, the Synod speaks on more controversial issues, and there is no controversy about organ sharing, just as there is no controversy about blood donation in the denomination. Any organized effort to get the General Synod delegates or individual churches to sign organ donation cards would meet with generally positive responses."

United Methodist

The United Methodist Church issued a policy statement regarding organ and tissue donation. In it they state, "The United Methodist Church recognizes the life-giving benefits of organ and tissue donation, and thereby encourages all Christians to become organ and tissue donors by signing and carrying donor cards or a driver's license, attesting to their commitment of such organs upon their death to those in need, as

a part of their ministry to others in the name of Christ, who gave His life that we might have life in its fullness." A 1992 resolution states, "Donation is to be encouraged, assuming appropriate safeguards against hastening death and determination of death by reliable criteria." The resolution further states, "Pastoral-care persons should be willing to explore these options as a normal part of conversation with patients and their families."

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[Washington](#)

ORGAN DONOR NETWORK

ALASKA STATE LEGISLATURE

REPRESENTATIVE BRUCE WEYHRAUCH



ALASKA
STATE CAPITOL
JUNEAU, ALASKA
99801-1182

(907) 465-3744
FAX (907) 465-2273

STATE AFFAIRS COMMITTEE

Fax

To: Leg. Legal

From: Ginny Austerman

Fax: 465-2029

Date: Jan. 27, 2004

Phone: 465-2450

Pages: 1 inc. cover

Re: CS for HB 337

CC:

Urgent For Review Please Comment Please Reply

•Comments:

Today the House State Affairs Committee adopted and passed out of committee CS HB 337 Version 23-LS1257\S and amended that version of the bill to delete line 19 page 2 "(b) A registry must include only residents of this state."

Please process this bill in the final form.

Please process this bill in final form.

Alaska State Legislature

Session:
State Capitol
Juneau, AK 99801
Phone: (907) 465-2995
Fax: (907) 465-6592



Interim:
716 W 4th Avenue, Suite 300
Anchorage, AK 99501-2133
Phone: (907) 269-0250
Fax: (907) 269-0249

Representative Lesil McGuire Chair, Judiciary Committee

MEMORANDUM

To: Terri Bannister – Legal Drafting
Cc:
From: Heath E. Hilyard – Rep. McGuire's Office
Date: January 16, 2004
Re: Changes to HB 337 (WO 23-LS1257A)

Per our discussions I have the following changes that need to be incorporate into the latest version of the bill.

- 1) Pg. 2, Line 2 – When a donor to whom a motor vehicle document was issued [DIES]. According to the Department of Motor Vehicles and Life Alaska there is no way to effectuate this in a timely fashion to allow for organ harvesting. Department of Motor Vehicles does perform an annual data purge as a result of information received from the Bureau of Vital Statistics.
- 2) As a point of clarification, other offices have inquired about the phrasing of Sec. 13.50.110 (2)(b) (Pg. 2, Lines 21-23). Can “only” be substituted for “all”?
- 3) Is there a way to strengthen privacy guarantees provided for 13.50.110 (2)(c)? Rep. McGuire suggested the possibility of including a misdemeanor penalty for a violation of that section.
- 4) With respect to your question about the inclusion of AS 18.65.311(a), the following deletions need to be made for DMV.

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

23-LS1257Q
Bannister
1/19/04

CS FOR HOUSE BILL NO. 337()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES MCGUIRE, Gruenberg, Gatto, Seaton, Wilson, Kerttula, Heinze, Anderson

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 registry must include only residents of this state.

20 (c) A procurement organization may not

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

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

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

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

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

1 electronic transfer of the donor information to the organization by the department.

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

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

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

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

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

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

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

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

31 (b) The purpose of the fund is to promote gifts under AS 13.50.010 -

1 13.50.090 and to administer the donation program established under AS 13.50.150.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (9) "state" means a state, territory, or possession of the United States,

1 the District of Columbia, or the Commonwealth of Puerto Rico.

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

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

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

1 AS 13.50.050. The department shall carry out the requirements of AS 13.50.100 -
2 13.50.190.

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

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

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

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

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

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

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