

HB

337

**HOUSE COMMITTEE REPORT**

(7)

Date Referred to Committee: January 12, 2004

FURTHER REFERRALS: HES  
Finance

Date of Committee Action: Jan. 27, 2004

The STATE AFFAIRS Committee considered:

HB 337

HOUSE BILL NO. 337

ANATOMICAL GIFTS REGISTRY

"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."

Recommends it be replaced with  HCS or  CS for HB 337 (STA)  
For Senate Bills with new title:  Technical Title  New Title: HCR \_\_\_\_\_  Same Title  New Title

- attach amendments
- add new referral to \_\_\_\_\_ Committee
- Letter of Intent \_\_\_\_\_ Committee

List of Abbrev for Depts.:  
ADM  
CED  
COR  
CRT  
EED  
DEC  
DFG  
GOV  
HSS  
LEG  
LAW  
LWF  
MVA  
DNR  
DPS  
REV  
DOT  
UA

| <u>NEW FISCAL NOTES</u>           |      |        |        |      |
|-----------------------------------|------|--------|--------|------|
| *Assigned by Chief Clerk's Office |      |        |        |      |
| List by Dept(s):                  | *FN# | Fiscal | Indet. | Zero |
| <u>HSS</u>                        |      |        |        | ✓    |
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| <u>PREVIOUS FISCAL NOTES</u> |     |        |        |      |
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| List by Dept(s):             | FN# | Fiscal | Indet. | Zero |
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| <u>Signing with recommendations</u> | Printed Last Name | DP | DNP | NR | AM |
|-------------------------------------|-------------------|----|-----|----|----|
| <i>Max Greenberg</i>                | <i>Greenberg</i>  | ✓  |     |    |    |
| <i>Paul Keaton</i>                  | <i>KEATON</i>     | ✓  |     |    |    |
| <i>[Signature]</i>                  | <i>Holm</i>       | ✓  |     |    |    |
| <i>[Signature]</i>                  | <i>LYNN</i>       | ✓  |     |    |    |
| <i>[Signature]</i>                  | <i>Coghill</i>    |    |     | ✓  |    |
| <i>[Signature]</i>                  |                   |    |     |    |    |
| <i>[Signature]</i>                  |                   |    |     |    |    |
| Chair: <i>[Signature]</i>           | <i>Weyhrauch</i>  | ✓  |     |    |    |
| Chair:                              |                   |    |     |    |    |

# 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 *Ginny*

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.

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.

# Alaska State Legislature

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



*Interim:*  
716 W 4<sup>th</sup> 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-LS1257D)

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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.

# Alaska State Legislature

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



*Interim:*  
716 W 4<sup>th</sup> Avenue, Suite 430  
Anchorage, AK 99501-2133  
Phone: (907) 269-0250  
Fax: (907) 269-0249

## 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.

# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101

State Capitol  
Juneau, Alaska 99801-1182  
Deliveries to: 129 6th St., Rm. 329

## 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

# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101

State Capitol  
Juneau, Alaska 99801-1182  
Deliveries to: 129 6th St., Rm. 329

## MEMORANDUM

December 23, 2003

**SUBJECT:** Bill relating to anatomical donor registry  
(Work Order No. 23-LS1257I)

**TO:** Representative Lesil McGuire  
Attn: Heath

**FROM:** *TLB*  
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



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

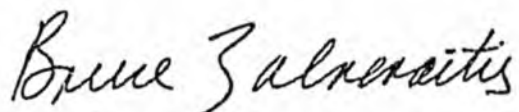
Life Alaska Donor Services strongly supports this proposed legislation, and appreciates your support in our ongoing mission to populate the Donor Gift Registry and increase the number of organs and tissues made available for transplantation to save and enhance lives. Families of donors feel most strongly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

A handwritten signature in cursive script that reads "Bruce Zalneraitis". The signature is written in dark ink and is positioned above the printed name and title.

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](mailto:info@maddalaska.com)  
Visit our Web Site: [www.maddalaska.com](http://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. Zalneraitis,

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**




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## 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 \(Disciples of Christ\)](#)
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- [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 Loma 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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**ORGAN DONOR NETWORK**

# FISCAL NOTE

STATE OF ALASKA  
2003 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB337  
 ( ) Publish Date: \_\_\_\_\_  
 Dept. Affected: Health & Social Services  
 RDU Public Health  
 Component Community Health/EMS Services

Revision Date/Time (Note if correction):  
 Title ANATOMICAL GIFT ACT

Sponsor MCGUIRE  
 Requester STATE AFFAIRS COMM

Component No. 2078

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

| OPERATING EXPENDITURES | FY 2005    | FY 2006    | FY 2007    | FY 2008    | FY 2009    | FY 2010    |
|------------------------|------------|------------|------------|------------|------------|------------|
| Personal Services      |            |            |            |            |            |            |
| Travel                 |            |            |            |            |            |            |
| Contractual            |            |            |            |            |            |            |
| Supplies               |            |            |            |            |            |            |
| Equipment              |            |            |            |            |            |            |
| Land & Structures      |            |            |            |            |            |            |
| Grants & Claims        |            |            |            |            |            |            |
| Miscellaneous          |            |            |            |            |            |            |
| <b>TOTAL OPERATING</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

|                      |  |  |  |  |  |  |
|----------------------|--|--|--|--|--|--|
| CAPITAL EXPENDITURES |  |  |  |  |  |  |
|----------------------|--|--|--|--|--|--|

|                        |  |  |  |  |  |  |
|------------------------|--|--|--|--|--|--|
| CHANGE IN REVENUES (0) |  |  |  |  |  |  |
|------------------------|--|--|--|--|--|--|

**FUND SOURCE** (Thousands of Dollars)

|                                       |            |            |            |            |            |            |
|---------------------------------------|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts                 |            |            |            |            |            |            |
| 1003 GF Match                         |            |            |            |            |            |            |
| 1004 GF                               |            |            |            |            |            |            |
| 1037 GF/Mental Health                 |            |            |            |            |            |            |
| Other(Specify Type-do not abbreviate) |            |            |            |            |            |            |
| Other(Specify Type-do not abbreviate) |            |            |            |            |            |            |
| <b>TOTAL</b>                          | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

Estimate of any current year (FY2004) cost: \_\_\_\_\_

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

|           |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|
| Full-time |  |  |  |  |  |  |
| Part-time |  |  |  |  |  |  |
| Temporary |  |  |  |  |  |  |

**ANALYSIS:** (Attach a separate page if necessary)

HB 337 establishes a Donor Registry Program. It is unclear whether the legislation requires the registry program to be established within the Department of Health and Social Services. If DHSS is the responsible agency for the Donor Registry program a revised fiscal note will have to be submitted.

Prepared by: Janet Clarke  
 Division Administrative Services  
 Approved by: \_\_\_\_\_  
 Agency Department of Health and Social Services

Phone 465-1630  
 Date/Time 01/19/2004  
 Date 01/19/2004