GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2001

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SENATE BILL 907

Appropriations/Base Budget Committee Substitute Adopted 10/3/01

Short Title:	Organ, Eye, and Tissue Donor Registry.	(Public)
Sponsors:		

Referred to:

April 5, 2001

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN
SERVICES AND OTHER APPROPRIATE STATE AGENCIES TO STUDY THE
ESTABLISHMENT OF A STATEWIDE ORGAN, EYE, AND TISSUE DONOR
REGISTRY, AND TO CLARIFY THE CURRENT LAW PERTAINING TO
ANATOMICAL GIFT DONATION.

7 The General Assembly of North Carolina enacts:

8 SECTION 1. The Department of Health and Human Services, Division of 9 Public Health, in consultation with the Department of Transportation, federally designated organ, eye, and tissue procurement organizations, and tissue banks shall 10 study the establishment of a statewide organ, eye, and tissue donor registry. In 11 12 conducting the study, the Department of Health and Human Services shall solicit advice 13 and comment from citizens or citizen advisory groups interested in organ and tissue 14 donation. The purpose of the study is to determine the feasibility and potential benefits of maintaining a statewide registry of persons who have indicated a willingness to 15 donate organs, eyes, and tissue for transplantation or research in order to expedite the 16 17 identification of potential organ, eye, and tissue donors. The study shall address the 18 following:

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- (1) The potential benefits to the general public in maintaining the registry.
- (2) The most efficient process for State administration of the registry, including the particular State agency that should be charged with registry administration and maintenance.
- (3) Type of information to be included in the registry and maintenance of
 the information in a manner that ensures protection of privacy of
 registered donors.
- 26 (4) How to streamline the process for individuals to become registered
 27 donors and to remove their names from the registry.

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1 2 3	(5)	How to ensure informed, witnessed consent by registered donors and whether listing in the registry should be considered informed, witnessed consent.
4	(6)	Process for informing the general public about organ, eye, and tissue
5		donation, how to become registered and unregistered, and the legal
6		effect of donor cards, drivers license donor symbols, and informed
7		consent.
8	(7)	How to evaluate the effectiveness of educational initiatives and the
9		registry itself in improving identification of potential donors and
10		procuring donations for transplantation.
11	(8)	The experience of other states that have established organ and tissue
12		donor registries.
13	(9)	The cost to the State of establishing and maintaining the registry.
14	-	shall report its findings and recommendations to the Joint Legislative
15		ersight Committee on or before May 1, 2002.
16		ION 2. G.S. 130A-404 reads as rewritten:
17		ersons who may make an anatomical gift.
18	· · ·	dividual of sound mind and 18 years of age or more may give all or any vidually body for any number appointed in $C = 120A + 405$. A gift mode
19 20		vidual's body for any purpose specified in G.S. 130A-405. <u>A gift made</u> with G.S. 130A 406 shall be sufficient legal authority for procurement
20		vith G.S. 130A-406 shall be sufficient legal authority for procurement
21		al authority from the donor or the donor's family or estate. The gift shall donor in accordance with $G = 130A 406$
22		death. <u>A gift made by the donor in accordance with G.S. 130A-406</u> oked upon the donor's death, and neither the donor's family nor the
23 24		are agent appointed pursuant to Article 3 of Chapter 32A of the General
25		use to honor the gift or thwart the procurement of the donation.
26	•	f the decedent has not made a gift in the manner prescribed in G.S.
27	-	any of the following persons, in order of priority stated, when persons
28		ure not available at the time of death, and in the absence of actual notice
29	•	cations by the decedent or actual notice of opposition by a member of
30	-	or class, may give all or any part of the decedent's body for any purpose
31	specified in G.S.	
32	(1)	The spouse;
33	(2)	An adult child;
34	(3)	Either parent;
35	(4)	An adult sibling;
36	(5)	A guardian of the person of the decedent at the time of decedent's
37		death;
38	<u>(5a)</u>	An individual who has an established relationship with the decedent,
39		who is acting in good faith on behalf of the decedent, and who can
40		reliably convey the decedent's wishes; or
41	(6)	Any other person authorized or under obligation to dispose of the
42		body.

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1	(c) The persons authorized by subsection (b) may make the gift after or		
2	immediately before death. However, the guardian of the person of a ward may make the		
3	gift at any time during the guardianship and the gift shall become effective upon the		
4	4 death of the ward unless the guardianship terminated before death.		
5	(d) If the donee has actual notice of contrary indications by the decedent or that a		
6	gift by a member of a class is opposed by a member of the same or a prior class, the		
7	donee shall not accept the gift.		
8	(e) A gift of all or part of a body authorizes any examination necessary to assure		
9	medical acceptability of the gift for the purposes intended.		
10	(f) The rights of the donee created by the gift are paramount to the rights of		
11	others except as provided by G.S. 130A-409(d)."		
12	SECTION 3. Article 2 of Chapter 20 of the General Statutes is amended by		
13	adding the following section to read:		
14	"§ 20-7.3. Availability of organ, eye, and tissue donor cards at motor vehicle		
15	offices.		
16	The Department shall make organ, eye, and tissue donor cards available to interested		
17	individuals in each office authorized to issue drivers licenses or special identification		
18	cards. The Department shall obtain donor cards from qualified organ, eye, or tissue		
19	procurement organizations or tissue banks, as defined in G.S. 130A-403. The		
20	Department shall offer a donor card to each applicant for a drivers license."		
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	SECTION 4. The Department of Transportation and the Department of		
22	SECTION 4. The Department of Transportation and the Department of Health and Human Services may use funds appropriated to it for the 2001-2003 fiscal		
23	Health and Human Services may use funds appropriated to it for the 2001-2003 fiscal biennium to implement this act.		
	Health and Human Services may use funds appropriated to it for the 2001-2003 fiscal		