

SENATE BILL REPORT

SHB 1012

AS REPORTED BY COMMITTEE ON HEALTH & HUMAN SERVICES,
APRIL 1, 1993

Brief Description: Adopting the uniform anatomical gift act.

SPONSORS: House Committee on Health Care (originally sponsored by Representatives Appelwick, King and Jacobsen)

HOUSE COMMITTEE ON HEALTH CARE

SENATE COMMITTEE ON HEALTH & HUMAN SERVICES

Majority Report: Do pass as amended.

Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Franklin, Fraser, Hargrove, McAuliffe, Niemi, Prentice, Quigley, and Sheldon.

Staff: Scott Plack (786-7409)

Hearing Dates: March 29, 1993; April 1, 1993

BACKGROUND:

Nationally, the demand for donor organs and body parts far exceeds the supply. It is estimated that from 8,000 to 10,000 people are waiting for a transplant organ. This predicament raises concerns from the patients who need new organs and body parts, as well as from physicians and health facilities providing transplantation services.

The Uniform Anatomical Gift Act, drafted and recommended to the states by the Commission on Uniform State Laws, was enacted in Washington in 1969. In view of the increasing demand for organs, the commission revised the act in 1988 in several respects.

There is a requirement in current law for the signature of two witnesses on a document for an anatomical gift.

Absent consent of a donor to make an anatomical gift, other persons may make such a gift upon the decease of the donor. These include the surviving spouse, children, parents and siblings of the decedent in this order. There is no provision for the grandparents, or a person authorized pursuant to a durable power of attorney to consent to anatomical gifts of a deceased donor.

There is no penalty provided for the sale or purchase of a donor's body part.

SUMMARY:

The signature of two witnesses is no longer a requirement for evidencing an anatomical gift by a donor. However, where the donor is unable to sign the document of gift, it must be signed by another person in the presence of the donor and two witnesses.

The persons who may consent to an anatomical gift of a deceased donor, in the absence of any document evidencing a refusal to make a gift, include a guardian, a person authorized pursuant to a durable power of attorney, the surviving spouse, children, parents, siblings, or grandparents, in this order.

Hospitals are required to ask patients upon admission if they are organ donors, and provide non-donors with information about the right to make an anatomical gift and ask them if they want to become donors. The answer is documented in the patient's medical record. If the answer is in the affirmative, the hospital must provide a document of gift. Hospitals are also required to adopt policies to implement their responsibilities.

The selling or buying of organ or body parts of another is declared to be a felony punishable by a fine of up to \$50,000 or imprisonment for up to five years.

SUMMARY OF PROPOSED SENATE AMENDMENT:

An intent section is added. The Legislature finds that organ and tissue donations are needed, discussions about advanced directives and organ donations should occur during office visits with primary care providers and sensitivity and discretion should be used when discussing donations with prospective donors or relatives of a decedent. It is declared that the best interests of the people of the state are served by increasing organ donations. State policies on anatomical gift donations should be consistent with federal requirements.

Appropriation: none

Revenue: none

Fiscal Note: available

TESTIMONY FOR:

The act updates state law to make it conform with the model law on anatomical gifts. There is a shortage of organ and tissue donations and the bill should help increase the number of donations. Hospitals are already required to discuss advanced directives with Medicare patients and this is a good time to discuss organ donations. Sensitivity and discretion will be used in making donation requests of prospective donors and of families of decedents.

TESTIMONY AGAINST: None

TESTIFIED: PRO: Linda Hull, Northwest Kidney Center; Donna
Oiland, Lyons Eye Bank; Sue Brady, Northwest Procurement
Agency