

SSB 5509 - H COMM AMD
By Committee on Health Care

ADOPTED 04/10/2003

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that the use of
4 anatomical gifts, including the donation of organ or tissue, for the
5 purpose of transplantation is of great interest to the citizens of
6 Washington state and may save or prolong the life or improve the health
7 of extremely ill and dying persons.

8 The legislature further finds that more than eighty thousand people
9 are currently waiting for life-saving organ transplants on the national
10 transplant waiting list. More than one thousand two hundred of these
11 people are listed at Washington state transplant centers. Nationally,
12 seventeen people die each day as a result of the shortage of donated
13 organs.

14 The creation of a statewide organ and tissue donor registry is
15 crucial to facilitate timely and successful organ and tissue
16 procurement. The legislature further finds that continuing education
17 as to the existence and maintenance of a statewide organ and tissue
18 donor registry is in the best interest of the people of the state of
19 Washington.

20 **Sec. 2.** RCW 68.50.530 and 1996 c 178 s 15 are each amended to read
21 as follows:

22 Unless the context requires otherwise, the definitions in this
23 section apply throughout RCW 68.50.520 through ((68.50.630)) 68.50.620,
24 sections 3 and 7 of this act, and 68.50.901 through 68.50.904.

25 (1) "Anatomical gift" means a donation of all or part of a human
26 body to take effect upon or after death.

27 (2) "Decedent" means a deceased individual.

28 (3) "Document of gift" means a card, a statement attached to or

1 imprinted on a motor vehicle operator's license, a will, or other
2 writing used to make an anatomical gift.

3 (4) "Donor" means an individual who makes an anatomical gift of all
4 or part of the individual's body.

5 (5) "Enucleator" means an individual who is qualified to remove or
6 process eyes or parts of eyes.

7 (6) "Hospital" means a facility licensed under chapter 70.41 RCW,
8 or as a hospital under the law of any state or a facility operated as
9 a hospital by the United States government, a state, or a subdivision
10 of a state.

11 (7) "Part" means an organ, tissue, eye, bone, artery, blood, fluid,
12 or other portion of a human body.

13 (8) "Person" means an individual, corporation, business trust,
14 estate, trust, partnership, joint venture, association, government,
15 governmental subdivision or agency, or any other legal or commercial
16 entity.

17 (9) "Physician" or "surgeon" means an individual licensed or
18 otherwise authorized to practice medicine and surgery or osteopathic
19 medicine and surgery under chapters 18.71 and 18.57 RCW.

20 (10) "Procurement organization" means a person licensed,
21 accredited, or approved under the laws of any state for procurement,
22 distribution, or storage of human bodies or parts.

23 (11) "Reasonable costs" include: (a) Programming and software
24 installation and upgrades; (b) employee training that is specific to
25 the organ and tissue donor registry or the donation program created in
26 section 6 of this act; (c) literature that is specific to the organ and
27 tissue donor registry or the donation program created in section 6 of
28 this act; and (d) hardware upgrades or other issues important to the
29 organ and tissue donor registry or the donation program created in
30 section 6 of this act that have been mutually agreed upon in advance by
31 the department of licensing and the Washington state organ procurement
32 organizations.

33 (12) "State" means a state, territory, or possession of the United
34 States, the District of Columbia, or the Commonwealth of Puerto Rico.

35 ((+12+)) (13) "Technician" means an individual who is qualified to
36 remove or process a part.

1 (14) "Washington state organ procurement organization" means an
2 organ procurement organization that has been designated by the United
3 States department of health and human services to coordinate organ
4 procurement activities for any portion of Washington state.

5 NEW SECTION. Sec. 3. A new section is added to chapter 68.50 RCW
6 to read as follows:

7 (1) The department of licensing shall electronically transfer all
8 information that appears on the front of a driver's license or
9 identicard including the name, gender, date of birth, and most recent
10 address of any person who obtains a driver's license or identicard and
11 volunteers to donate organs or tissue upon death to any Washington
12 state organ procurement organization that intends to establish a
13 statewide organ and tissue donor registry as provided under subsection
14 (2) of this section. All subsequent electronic transfers of donor
15 information shall be at no charge to this Washington state organ
16 procurement organization.

17 (2) Information obtained by a Washington state organ procurement
18 organization under subsection (1) of this section shall be used for the
19 purpose of establishing a statewide organ and tissue donor registry
20 accessible to in-state recognized cadaveric organ and cadaveric tissue
21 agencies for the recovery or placement of organs and tissue and to
22 procurement agencies in another state when a Washington state resident
23 is a donor of an anatomical gift and is not located in this state at
24 the time of death or immediately before the death of the donor. Any
25 registry created using information acquired under subsection (1) of
26 this section must include all residents of Washington state regardless
27 of their residence within the service area designated by the federal
28 government.

29 (3) No organ or tissue donation organization may obtain information
30 from the organ and tissue donor registry for the purposes of fund
31 raising. Organ and tissue donor registry information may not be
32 further disseminated unless authorized in this section or by federal
33 law. Dissemination of organ and tissue donor registry information may
34 be made by a Washington state organ procurement organization to another
35 Washington state organ procurement organization, a recognized in-state
36 procurement agency for other tissue recovery, or an out-of-state

1 federally designated organ procurement organization that has been
2 designated by the United States department of health and human services
3 to serve an area outside Washington.

4 (4) A Washington state organ procurement organization may acquire
5 donor information from sources other than the department of licensing.

6 (5) All reasonable costs associated with the creation of an organ
7 and tissue donor registry shall be paid by the Washington state organ
8 procurement organization that has requested the information. The
9 reasonable costs associated with the initial installation and setup for
10 electronic transfer of the donor information at the department of
11 licensing shall be paid by the Washington state organ procurement
12 organization that requested the information.

13 (6) An individual does not need to participate in the organ and
14 tissue donor registry to be a donor of organs or tissue. The registry
15 is to facilitate organ and tissue donations and not inhibit persons
16 from being donors upon death.

17 **Sec. 4.** RCW 68.50.540 and 1995 c 132 s 1 are each amended to read
18 as follows:

19 (1) An individual who is at least eighteen years of age, or an
20 individual who is at least sixteen years of age as provided in
21 subsection (12) of this section, may (a) make an anatomical gift for
22 any of the purposes stated in RCW 68.50.570(1), (b) limit an anatomical
23 gift to one or more of those purposes, or (c) refuse to make an
24 anatomical gift.

25 (2) An anatomical gift may be made by a document of gift signed by
26 the donor. If the donor cannot sign, the document of gift must be
27 signed by another individual and by two witnesses, all of whom have
28 signed at the direction and in the presence of the donor and of each
29 other and state that it has been so signed.

30 (3) If a document of gift is attached to or imprinted on a donor's
31 motor vehicle operator's license, the document of gift must comply with
32 subsection (2) of this section. Revocation, suspension, expiration, or
33 cancellation of the license does not invalidate the anatomical gift.

34 (4) The donee or other person authorized to accept the anatomical
35 gift may employ or authorize a physician, surgeon, technician, or
36 enucleator to carry out the appropriate procedures.

1 (5) An anatomical gift by will takes effect upon death of the
2 testator, whether or not the will is probated. If, after death, the
3 will is declared invalid for testamentary purposes, the validity of the
4 anatomical gift is unaffected.

5 (6)(a) A donor may amend or revoke an anatomical gift, not made by
6 will, by:

7 ((+a)) (i) A signed statement;

8 ((+b)) (ii) An oral statement made in the presence of two
9 individuals;

10 ((+c)) (iii) Any form of communication during a terminal illness
11 or injury; or

12 ((+d)) (iv) The delivery of a signed statement to a specified
13 donee to whom a document of gift had been delivered.

14 (b) A donor shall notify a Washington state organ procurement
15 organization of the destruction, cancellation, or mutilation of the
16 document of gift for the purpose of removing the person's name from the
17 organ and tissue donor registry created in section 3 of this act. If
18 the Washington state organ procurement organization that is notified
19 does not maintain a registry for Washington residents, it shall notify
20 all Washington state organ procurement organizations that do maintain
21 such a registry.

22 (7) The donor of an anatomical gift made by will may amend or
23 revoke the gift in the manner provided for amendment or revocation of
24 wills, or as provided in subsection (6) of this section.

25 (8) An anatomical gift that is not revoked by the donor before
26 death is irrevocable and does not require the consent or concurrence of
27 a person after the donor's death.

28 (9) An individual may refuse to make an anatomical gift of the
29 individual's body or part by (a) a writing signed in the same manner as
30 a document of gift, (b) a statement attached to or imprinted on a
31 donor's motor vehicle operator's license, or (c) another writing used
32 to identify the individual as refusing to make an anatomical gift.
33 During a terminal illness or injury, the refusal may be an oral
34 statement or other form of communication.

35 (10) In the absence of contrary indications by the donor, an
36 anatomical gift of a part is neither a refusal to give other parts nor
37 a limitation on an anatomical gift under RCW 68.50.550.

1 (11) In the absence of contrary indications by the donor, a
2 revocation or amendment of an anatomical gift is not a refusal to make
3 another anatomical gift. If the donor intends a revocation to be a
4 refusal to make an anatomical gift, the donor shall make the refusal
5 pursuant to subsection (9) of this section.

6 (12) An individual who is under the age of eighteen, but is at
7 least sixteen years of age, may make an anatomical gift as provided by
8 subsection (2) of this section, if the document of gift is also signed
9 by either parent or a guardian of the donor. A document of gift signed
10 by a donor under the age of eighteen that is not signed by either
11 parent or a guardian shall not be considered valid until the person
12 reaches the age of eighteen, but may be considered as evidence that the
13 donor has not refused permission to make an anatomical gift under the
14 provisions of RCW 68.50.550.

15 NEW SECTION. **Sec. 5.** A new section is added to chapter 46.20 RCW
16 to read as follows:

17 The department shall electronically transfer the information of all
18 persons who upon application for a driver's license or identicard
19 volunteer to donate organs or tissue to a registry created in section
20 3 of this act, and any subsequent changes to the applicant's donor
21 status when the applicant renews a driver's license or identicard or
22 applies for a new driver's license or identicard.

23 NEW SECTION. **Sec. 6.** A new section is added to chapter 46.12 RCW
24 to read as follows:

25 An applicant for a new or renewed registration for a vehicle
26 required to be registered under this chapter or chapter 46.16 RCW may
27 make a donation of one dollar or more to the organ and tissue donation
28 awareness account to promote the donation of organs and tissues under
29 the provisions of the uniform anatomical gift act, RCW 68.50.520
30 through 68.50.630. The department shall collect the donations and
31 credit the donations to the organ and tissue donation awareness
32 account, created in section 7 of this act. At least quarterly, the
33 department shall transmit donations made to the organ and tissue
34 donation awareness account to the foundation established for organ and
35 tissue donation awareness purposes by the Washington state organ

1 procurement organizations. All Washington state organ procurement
2 organizations will have proportional access to these funds to conduct
3 public education in their service areas. The donation of one or more
4 dollars is voluntary and may be refused by the applicant. The
5 department shall make available informational booklets or other
6 informational sources on the importance of organ and tissue donations
7 to applicants.

8 The department shall inquire of each applicant at the time the
9 completed application is presented whether the applicant is interested
10 in making a donation of one dollar or more and shall also specifically
11 inform the applicant of the option for organ and tissue donations as
12 required by RCW 46.20.113. The department shall also provide written
13 information to each applicant volunteering to become an organ and
14 tissue donor. The written information shall disclose that the
15 applicant's name shall be transmitted to the organ and tissue donor
16 registry created in section 3 of this act, and that the applicant shall
17 notify a Washington state organ procurement organization of any changes
18 to the applicant's donor status.

19 All reasonable costs associated with the creation of the donation
20 program created under this section must be paid proportionally or by
21 other agreement by a Washington state organ procurement organization.

22 For the purposes of this section, "reasonable costs" and
23 "Washington state organ procurement organization" have the same meaning
24 as defined in RCW 68.50.530.

25 NEW SECTION. **Sec. 7.** A new section is added to chapter 68.50 RCW
26 to read as follows:

27 (1) The organ and tissue donation awareness account is created in
28 the custody of the state treasurer. All receipts from donations made
29 under section 6 of this act, and other contributions and appropriations
30 specifically made for the purposes of organ and tissue donor awareness,
31 shall be deposited into the account. Except as provided in subsection
32 (2) of this section, expenditures from the account may be authorized by
33 the director of the department of licensing or the director's designee
34 and do not require an appropriation.

35 (2) The department of licensing shall submit a funding request to
36 the legislature covering the reasonable costs associated with the

1 ongoing maintenance associated with the electronic transfer of the
2 donor information to the organ and tissue donor registry and the
3 donation program established in section 6 of this act. The legislature
4 shall appropriate to the department of licensing an amount it deems
5 reasonable from the organ and tissue donation awareness account to the
6 department of licensing for these purposes.

7 (3) At least quarterly, the department of licensing shall transmit
8 any remaining moneys in the organ and tissue donation awareness account
9 to the foundation established in section 6 of this act for the costs
10 associated with educating the public about the organ and tissue donor
11 registry and related organ and tissue donation education programs.

12 (4) Funding for donation awareness programs must be proportional
13 across the state regardless of which Washington state organ procurement
14 organization may be designated by the United States department of
15 health and human services to serve a particular geographic area. No
16 funds from the account may be used to fund activities outside
17 Washington state.

18 NEW SECTION. **Sec. 8.** Section 6 of this act takes effect with
19 registrations that are due or become due January 1, 2004, or later."

20 Correct the title.

EFFECT: Adds definitions of "reasonable costs" and "Washington State organ procurement organization." Clarifies that any donor registry must include all Washington residents. Requires that funds from the Organ and Tissue Donation Awareness Account be used proportionally across Washington and not be used for programs in other states. Requires the Department of Licensing to submit an appropriation request for reimbursement for ongoing maintenance costs from the Organ and Tissue Donation Awareness Account.

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