
SUBSTITUTE SENATE BILL 5509

State of Washington

58th Legislature

2003 Regular Session

By Senate Committee on Health & Long-Term Care (originally sponsored by Senators B. Sheldon, Kohl-Welles, Deccio and Winsley)

READ FIRST TIME 02/28/03.

1 AN ACT Relating to the organ donor registry; amending RCW
2 68.50.540; adding new sections to chapter 68.50 RCW; adding a new
3 section to chapter 46.20 RCW; adding a new section to chapter 46.12
4 RCW; creating a new section; and providing an effective date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

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

16 The creation of a statewide organ and tissue donor registry is
17 crucial to facilitate timely and successful organ and tissue
18 procurement. The legislature further finds that continuing education

1 as to the existence and maintenance of a statewide organ and tissue
2 donor registry is in the best interest of the people of the state of
3 Washington.

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 68.50 RCW
5 to read as follows:

6 (1) The department of licensing shall electronically transfer to
7 the federally designated organ procurement organization all information
8 that appears on the front of a driver's license or identicard including
9 the name, gender, date of birth, and most recent address of any person
10 who obtains a driver's license or identicard who volunteers to donate
11 organs or tissue upon death. All subsequent electronic transfers of
12 donor information shall be at no charge to the federally designated
13 organ procurement organization.

14 (2) Information obtained by the federally designated organ
15 procurement organization shall be used for the purpose of establishing
16 a statewide organ and tissue donor registry accessible to in-state
17 recognized cadaveric organ and cadaveric tissue agencies for the
18 recovery or placement of organs and tissue and to procurement agencies
19 in another state when a Washington state resident is a donor of an
20 anatomical gift and is not located in this state at the time of death
21 or immediately before the death of the donor.

22 (3) No organ or tissue donation organization may obtain information
23 from the organ and tissue donor registry for the purposes of fund
24 raising. Organ and tissue donor registry information may not be
25 further disseminated unless authorized in this section or by federal
26 law. Dissemination of organ and tissue donor registry information may
27 be made by the organ procurement organization to a recognized in-state
28 procurement agency for other tissue recovery, or an out-of-state
29 federally designated organ procurement organization.

30 (4) The federally designated organ procurement organization may
31 acquire donor information from sources other than the department of
32 licensing.

33 (5) All reasonable costs associated with the creation and
34 maintenance of the organ and tissue donor registry shall be paid by
35 Washington state organ procurement organizations.

36 (6) Moneys from the organ and tissue donation awareness account,
37 created in section 6 of this act, shall be transferred to the

1 department of licensing for the reasonable costs associated with the
2 initial installation and setup for electronic transfer of the donor
3 information and for other costs as required by section 7 of this act.

4 (7) For the purposes of subsections (5) and (6) of this section,
5 reasonable costs include: (a) Programming and software installation
6 and upgrades; (b) employee training that is specific to the organ and
7 tissue donor registry; (c) literature that is specific to the organ and
8 tissue donor registry; and (d) hardware upgrades or other issues
9 important to the organ and tissue donor registry that have been
10 mutually agreed upon in advance by the department and the organ
11 procurement organization.

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

16 **Sec. 3.** RCW 68.50.540 and 1995 c 132 s 1 are each amended to read
17 as follows:

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

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

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

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

36 (5) An anatomical gift by will takes effect upon death of the

1 testator, whether or not the will is probated. If, after death, the
2 will is declared invalid for testamentary purposes, the validity of the
3 anatomical gift is unaffected.

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

6 ~~((a))~~ (i) A signed statement;

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

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

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

13 (b) A donor shall notify the federally designated organ procurement
14 organization of the destruction, cancellation, or mutilation of the
15 document of gift for the purpose of removing the person's name from the
16 organ and tissue donor registry created in section 2 of this act.

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

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

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

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

33 (11) In the absence of contrary indications by the donor, a
34 revocation or amendment of an anatomical gift is not a refusal to make
35 another anatomical gift. If the donor intends a revocation to be a
36 refusal to make an anatomical gift, the donor shall make the refusal
37 pursuant to subsection (9) of this section.

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

10 NEW SECTION. **Sec. 4.** A new section is added to chapter 46.20 RCW
11 to read as follows:

12 The department shall electronically transfer the information of all
13 persons who upon application for a driver's license or identicard
14 volunteer to donate organs or tissue to the registry created in section
15 2 of this act, and any subsequent changes to the applicant's donor
16 status when the applicant renews a driver's license or identicard or
17 applies for a new driver's license or identicard.

18 NEW SECTION. **Sec. 5.** A new section is added to chapter 46.12 RCW
19 to read as follows:

20 An applicant for a new or renewed registration for a vehicle
21 required to be registered under this chapter or chapter 46.16 RCW may
22 make a donation of one dollar or more to the organ and tissue donation
23 awareness account to promote the donation of organs and tissues under
24 the provisions of the uniform anatomical gift act, RCW 68.50.520
25 through 68.50.630. The department shall collect the donations and
26 credit the donations to the organ and tissue donation awareness
27 account, created in section 6 of this act. At least quarterly, the
28 department shall transmit donations made to the organ and tissue
29 donation awareness account to the living legacy foundation. The
30 donation of one or more dollars is voluntary and may be refused by the
31 applicant. The department shall make available informational booklets
32 or other informational sources on the importance of organ and tissue
33 donations to applicants.

34 The department shall inquire of each applicant at the time the
35 completed application is presented whether the applicant is interested
36 in making a donation of one dollar or more and shall also specifically

1 inform the applicant of the option for organ and tissue donations as
2 required by RCW 46.20.113. The department shall also provide written
3 information to each applicant volunteering to become an organ and
4 tissue donor. The written information shall disclose that the
5 applicant's name shall be transmitted to the organ and tissue donor
6 registry created in section 2 of this act, and that the applicant shall
7 notify the federally designated organ procurement organization of any
8 changes to the applicant's donor status.

9 All reasonable costs associated with the creation and maintenance
10 of the donation program created under this section must be paid by
11 Washington state organ procurement organizations. For the purposes of
12 this section, reasonable costs include: (1) Programming and software
13 installation and upgrades; (2) employee training that is specific to
14 the donation program created under this section; (3) literature that is
15 specific to the donation program created under this section; and (4)
16 hardware upgrades or other issues important to the donation program
17 created under this section that have been mutually agreed upon in
18 advance by the department and the organ procurement organization.

19 NEW SECTION. **Sec. 6.** A new section is added to chapter 68.50 RCW
20 to read as follows:

21 The organ and tissue donation awareness account is created in the
22 custody of the state treasurer. All receipts from donations made under
23 section 5 of this act, and other contributions and appropriations
24 specifically made for the purposes of organ and tissue donor awareness,
25 shall be deposited into the account. Money from the account may be
26 used only for organ and tissue donor awareness programs and for those
27 costs set out in sections 2 (5) and (6) and 7 of this act. The account
28 is not subject to allotment procedures under chapter 43.88 RCW and an
29 appropriation is not required for expenditures.

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

32 Before any payment to an organ procurement organization from the
33 organ and tissue donation awareness account created in section 6 of
34 this act, the department of licensing shall be reimbursed for the
35 reasonable costs associated with the initial installation of the organ
36 and tissue donor registry, the setup for electronic transfer of the

1 donor information for the organ and tissue donor registry to an organ
2 procurement organization, and computer programming and form changes
3 necessary as a result of the creation of the organ and tissue donor
4 registry. For the purposes of this section, reasonable costs include:
5 (1) Programming and software installation and upgrades; (2) employee
6 training that is specific to the organ and tissue donor registry or the
7 donation program created in section 5 of this act; (3) literature that
8 is specific to the organ and tissue donor registry or the donation
9 program created in section 5 of this act; and (4) hardware upgrades or
10 other issues important to the organ and tissue donor registry or the
11 donation program created in section 5 of this act that have been
12 mutually agreed upon in advance by the department of licensing and the
13 organ procurement organization.

14 At least quarterly, the department of licensing shall transmit the
15 remaining funds from the organ and tissue donation awareness account to
16 the living legacy foundation for the costs associated with educating
17 the public about the organ and tissue donor registry and related organ
18 and tissue donation education programs.

19 NEW SECTION. **Sec. 8.** Section 5 of this act takes effect January
20 1, 2004.

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