
SENATE BILL 5509

State of Washington

58th Legislature

2003 Regular Session

By Senators B. Sheldon, Kohl-Welles, Deccio and Winsley

Read first time 01/28/2003. Referred to Committee on Health & Long-Term Care.

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; and creating a new section.

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

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

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

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

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

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

28 (5) An anatomical gift by will takes effect upon death of the
29 testator, whether or not the will is probated. If, after death, the
30 will is declared invalid for testamentary purposes, the validity of the
31 anatomical gift is unaffected.

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

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

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

1 (~~(e)~~) (iii) Any form of communication during a terminal illness
2 or injury; or

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

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

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

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

15 (9) An individual may refuse to make an anatomical gift of the
16 individual's body or part by (a) a writing signed in the same manner as
17 a document of gift, (b) a statement attached to or imprinted on a
18 donor's motor vehicle operator's license, or (c) another writing used
19 to identify the individual as refusing to make an anatomical gift.
20 During a terminal illness or injury, the refusal may be an oral
21 statement or other form of communication.

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

25 (11) In the absence of contrary indications by the donor, a
26 revocation or amendment of an anatomical gift is not a refusal to make
27 another anatomical gift. If the donor intends a revocation to be a
28 refusal to make an anatomical gift, the donor shall make the refusal
29 pursuant to subsection (9) of this section.

30 (12) An individual who is under the age of eighteen, but is at
31 least sixteen years of age, may make an anatomical gift as provided by
32 subsection (2) of this section, if the document of gift is also signed
33 by either parent or a guardian of the donor. A document of gift signed
34 by a donor under the age of eighteen that is not signed by either
35 parent or a guardian shall not be considered valid until the person
36 reaches the age of eighteen, but may be considered as evidence that the
37 donor has not refused permission to make an anatomical gift under the
38 provisions of RCW 68.50.550.

1 The organ and tissue donation awareness account is created in the
2 custody of the state treasurer. All receipts from donations made under
3 section 5 of this act, and other contributions and appropriations
4 specifically made for the purposes of organ and tissue donor awareness,
5 shall be deposited into the account. Expenditures from the account may
6 be used only for organ and tissue donor awareness programs and for
7 those costs set out in sections 2(6) and 7 of this act. The state
8 treasurer or the treasurer's designee may authorize expenditures from
9 the account. At least quarterly, the state treasurer shall authorize
10 expenditures in compliance with this section and sections 2(6) and 7 of
11 this act. The account is subject to allotment procedures under chapter
12 43.88 RCW, but an appropriation is not required for expenditures.

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

15 Before any payment to an organ procurement organization from the
16 organ and tissue donor awareness account created in section 6 of this
17 act, the department of licensing shall be reimbursed for the reasonable
18 costs associated with the initial installation of the organ and tissue
19 donor registry, the setup for electronic transfer of the donor
20 information for the organ and tissue donor registry to an organ
21 procurement organization, and computer programming and form changes
22 necessary as a result of the creation of the organ and tissue donor
23 registry.

24 At least quarterly, the state treasurer shall transmit the
25 remaining funds from the organ and tissue donor awareness account to
26 the living legacy foundation for the costs associated with educating
27 the public about the organ and tissue donor registry and related organ
28 and tissue donation education programs.

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